



Town Of Erie
Planning Commission Regular Meeting
Wednesday, November 7, 2012
6:30 P.M.
Board Room, Erie Town Hall, 645 Holbrook,
Erie, CO 80516

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO THE FLAG

II. ROLL CALL

III. APPROVAL OF THE AGENDA

IV. APPROVAL OF MINUTES

Approval of the October 3, 2012, Planning Commission Regular Meeting Minutes

V. PUBLIC COMMENTS (This agenda item provides the public an opportunity to discuss items other than items that are on the agenda. The Planning Commission is not prepared to decide on matters brought up at this time, but if warranted, will place them on a future agenda.)

VI. RESOLUTIONS (This agenda item is for all matters that should be decided by resolutions.)

1. Public Hearing – 1468 Northridge Drive Special Review Use

Purpose: Consideration of a Special Review Use for an Accessory Dwelling Unit

Project File #: SRU-12-00036

Request: Consideration of Resolution P12-19, A resolution Regarding The Public Hearing To Allow An Accessory Dwelling Unit On Lot 13, Northridge Filing No. 2, Adopting Certain Findings Of Fact And Conclusions Favorable To The Special Review Use.

Location: 1468 Northridge Drive

Zoning: Northridge Planned Development

Applicants: David & Ericka Mouffe

(Staff Planner: Marty Ostholthoff)

2. Unified Development Code Amendment

Purpose: Consideration of an amendment to the floodplain overlay data

Project File #: N/A

Request: Consideration of Resolution P12-20, A Resolution Recommending Approval Of Amendments To Title 10 Of The Town Of Erie Municipal Code.

Location: N/A

Zoning: N/A

Applicants: Town of Erie Community Development & Public Works

(Staff Planner: Marty Ostholthoff)

VIII. STAFF REPORTS (This agenda item is reserved for specific items from Staff requiring Commission direction or just relaying important information.)

IX. COMMISSIONER REPORTS AND DISCUSSION ITEMS (This agenda item is for all Planning Commission reports and items of information as well as Commission discussion items, not listed on the agenda.)

X. ADJOURNMENT

Town of Erie
Planning Commission Regular Meeting
Wednesday, October 3, 2012
6:30 p.m.
Board Room, Erie Town Hall, 645 Holbrook, Erie, Co 80516

I. CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE

Chairman Bell called the Regular Meeting of the Erie Planning Commission to order at 6:27 p.m.

II. ROLL CALL

Commissioner Bell - Present

Commissioner Bottenhorn – Present

Commissioner Burgard - Present

Commissioner Woog - Present

Commissioner Mahe- Present

Commissioner Mazzocco - Present

Commissioner Trujillo - Present

Staff Present:

R. Martin Ostholthoff, Community Development Director;
Deborah Bachelder, Senior Planner; and
Hallie Sawyer, Secretary to the Commission

III. APPROVAL OF THE AGENDA

Commissioner Mazzocco moved to approve the October 3, 2012, Regular Meeting Agenda as submitted. The motion, seconded by Commissioner Bottenhorn, carried with all voting in favor thereof.

IV. APPROVAL OF MINUTES

a. Minutes from the September 19, 2012, Regular Meeting.

Commissioner Mazzocco moved to approve the September 19, 2012, Minutes as submitted. The motion, seconded by Commissioner Trujillo, carried with all voting in favor thereof.

V. PUBLIC COMMENTS (This agenda item provides the public an opportunity to discuss items other than items that are on the agenda. The Planning Commission is not prepared to decide on matters brought up at this time, but it warranted, will place them on a future agenda.)

None.

VI. RESOLUTIONS (This agenda item is for all matters that should be decided by resolutions.)

1. Public Hearing – Erie Police Station SRU

Purpose: Special Review Use for police station and municipal court Resolution P12-17

Project File #: SRU -12-00034

Request: Consideration of Resolution P12-17, A Resolution Making Certain Findings Of Fact And Conclusions Favorable To The Special Review Use For Erie Police Station And Municipal Court At 1000 Telleen Avenue, Creekside Subdivision, Block 9 Lot 2, Town of Erie.

Location: SW Corner of County Line Road & Telleen Avenue

Zoning: B - Business

Applicants: Town of Erie/John Hall, Chief of Police

(Staff Planner: Deborah Bachelder)

Commissioner Mazzocco, who is also treasurer of the Citizens Committee to approve the Police Station Ballot issue, recused himself and left the meeting.

Chairman Bell opened the public hearing at 6:29 p.m. Because the Special Review Use and Site Plan, were tied so closely together, Mrs. Bachelder presented the background of the requests, reviewed the criteria for approval of the proposed Erie Police Station and Municipal Court Special Review Use and

Site Plan and entered all of the documents into the record, recommending approval of Resolutions P12-17 for the Special Review Use and P12-18, for the Site Plan.

Chairman Bell swore in the audience.

Jeff Shepherd, Roth Shepherd Architects, presented for the applicants, outlining in detail the layout of the proposed building and the reasons behind the design and the proposed materials.

Public Comment was taken from Charles Travis, Trustee for the Ellen Lumry Estate property located immediately to the south of the proposed Police Station site. His comments covered the blanket access easement that was put in place over both properties several years ago when the Ranchwood development that was later withdrawn was being considered, and the current status of that easement.

Mrs. Bachelder responded that there was no need to consider that easement until development was occurring to the south of the site in question.

Commissioner questions covered building lighting, security fencing material plan; examples of technical corrections; single story vs two story; similarity in materials matching local architecture; entry way circular parking logistics; number of public parking spaces; height of wooden fence; other amenities in the detention pond area; monument signage on County Line; sustainability/leed certification; street signage included in cost estimates; site balance for fill; current foot path thru property; is the Site Plan all within the boundaries of the property; will the detention pond landscaping be irrigated and maintained by the Town; does the detention pond drain into the storm water drainage; parking; leed certification clarification; how many total employees will be served at the facility; will the Board of Trustees & Planning Commission meetings be moved to the court area.

Chairman Bell closed the public hearing at 7:50 p.m.

Commissioner Comments included: appreciation of the level of detail in the packet and presentation, with thanks to staff; support for the Alternative Compliance requests; desperately needed project we will all be proud of; compatibility with the four corners area; and appreciation for historic tie ins.

Commissioner Bottenhorn moved approval of Resolution P12-17, A Resolution Making Certain Findings Of Fact And Conclusions Favorable To The Special Review Use For Erie Police Station And Municipal Court At 1000 Telleen Avenue, Creekside Subdivision, Block 9 Lot 2, Town of Erie. The motion, seconded by Commissioner Trujillo, carried with all voting in favor thereof.

2. Public Hearing – Erie Police Station SP

Purpose: Site Plan for police station and municipal court Resolution P12-18

Project File #: SP-12-00020

Request: Consideration of Resolution P12-18, A Resolution Making Certain Findings Of Fact And Conclusions Favorable To The Site Plan For Erie Police Station And Municipal Court At 1000 Telleen Avenue, Creekside Subdivision, Block 9 Lot 2, Town of Erie.

Location: SW Corner of County Line Road & Telleen Avenue

Zoning: B - Business

Applicants: Town of Erie/John Hall, Chief of Police
(Staff Planner: Deborah Bachelder)

Commissioner Bottenhorn moved approval of Resolution P12-18, A Resolution Making Certain Findings Of Fact And Conclusions Favorable To The Site Plan For Erie Police Station And Municipal Court At 1000 Telleen Avenue, Creekside Subdivision, Block 9 Lot 2, Town of Erie. The motion, seconded by Commissioner Burgard, carried with all voting in favor thereof.

VII. STAFF REPORTS (This agenda items is reserved for specific items from Staff requiring Commission direction or just relaying important information.)

None.

VIII. COMMISSIONER REPORTS AND DISCUSSION ITEMS (This agenda item is for all Planning Commission reports and items of information as well as Commission discussion items, not listed on the agenda)

None.

IX. ADJOURNMENT

There being no further business to come before the Commission, Chairman Bell adjourned the October 3, 2012, Regular Meeting of the Planning Commission at 8:00 p.m.

Respectfully Submitted,

Town of Erie Planning Commission

By: _____
Hallie S. Sawyer, Secretary

By: _____
Brent Bell, Chair

**TOWN OF ERIE
PLANNING COMMISSION MEETING
Wednesday, November 7, 2012**

SUBJECT: PUBLIC HEARING:
Special Review Use to allow an Accessory Dwelling Unit (ADU).

PURPOSE: Applicant requests an ADU to the existing single-family dwelling unit.

LOCATION: Lot 13, Northridge Filing No. 2
1468 Northridge Drive
Erie, CO 80516

ZONING: PD-Planned Development

OWNER: David and Erika Mouffe
1468 Northridge Drive
Erie, CO 80516

CODE REVIEW: Municipal Code Title 10

DEPARTMENT: Community Development
R. Martin Ostholthoff, Director

REQUEST: Consideration of Resolution P12-19: A Resolution Regarding the Public Hearing to allow an Accessory Dwelling Unit on Lot 13, Northridge Filing No. 2, Adopting Certain Findings of Fact and Conclusions Favorable to the Special Review Use.

**STAFF
RECOMMENDATION:**

Staff finds the application in compliance with the Special Review Use Approval Criteria and recommends the Planning Commission adopt draft Resolution P12-19 that recommends approval of the application to the Board of Trustees.

Project Location:

Lot 13, Northridge Filing No. 2
1468 Northridge Drive

**Site Specific Information:**

- Comprehensive Plan Designation: LDR – Low Density Residential
- Current Zoning: PD – Planned Development
- Land Use: Single-family residential
- Site Size: 0.44 acres
- Principal dwelling unit size: approximately 4,434 square feet

Adjacent Zoning and Land Use:

	ZONING	LAND USE
NORTH	PD – Planned Development	Single-family residential
SOUTH	RR – Rural Residential	Single-family residential
EAST	PD – Planned Development	Single-family residential
WEST	PD – Planned Development	Open Space

SUMMARY AND BACKGROUND OF SUBJECT MATTER

Background:

The applicant is requesting an ADU within an existing 4,434 square-foot single-family residence. The ADU is proposed to be 799-square-feet in size.

The Northridge PD-Planned Development is silent on ADU's, therefore, subjects not described within the PD revert to the Town zoning regulations. Title 10; Table 3-2 'Table of Accessory Uses' of the Municipal Code indicates that an ADU is a Special Review Use in the all residential zone districts. The applicants' proposal meets the ADU Use Specific Standards outlined in Section 3.3.G.1 of the Municipal Code as summarized below.

1. **Districts Allowed**

ADU allowed as an accessory use in all residential zone districts with a minimum lot size of 6,000 square feet.

- Property is zoned PD-Planned Development with a lot size of 0.44 acres.

2. **Where Permitted on Lot**

ADU shall comply with applicable site, building and access standards.

- ADU is proposed to be located in an existing structure that complies with building setback standards.

3. **Size of ADU**

ADU cannot exceed 33 percent of the size of the habitable floor area of the principal dwelling unit, or 800 square feet, whichever is less.

- Principal unit is approximately 4,434 square feet in size which would allow the maximum ADU size of 800 square feet. Proposed ADU is 799 square feet.

4. **Limit on Number**

Only one ADU may be located on a lot.

- One ADU is proposed.

5. **Parking Requirements**

Parking not required for properties that have on street parking on an adjacent street.

- Parking is provided on site.

6. **Design Standards**

ADU designed to maintain the style of principal unit.

- ADU is proposed in existing building.

Staff Review and Analysis:

The Special Review Use Application to allow an ADU on Lot 13, Northridge Filing No. 2 was reviewed for conformance with Erie Municipal Code, Title 10, Section 7.13.C.9 Approval Criteria. Staff makes the following findings.

- a. The proposed use is consistent with the Comprehensive Plan and all applicable provisions of this Code and applicable State and Federal regulations;

Staff: Criteria met.

- b. The proposed use is consistent with the purpose and intent of the zoning district in which it is located;

Staff: Criteria met.

- c. The proposed use is consistent with any applicable use-specific standards set forth in Section 3.2;

Staff: Criteria met.

- d. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

Staff: Criteria met.

- e. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable;

Staff: Criteria met.

- f. Facilities and services (including sewage and waste disposal, water, gas, election, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;

Staff: Criteria met.

- g. Adequate assurances of continuing maintenance have been provided; and

Staff: Criteria met.

- h. Any significant adverse impacts on the natural environment will be mitigated to the maximum extent practicable.

Staff: Criteria met.

Staff Recommendation:

Staff finds the application in compliance with the Special Review Use Approval Criteria and recommends the Planning Commission adopt draft Resolution P12-19 that recommends approval of the application to the Board of Trustees.

PUBLIC NOTICE:

Colorado Hometown News Publication:
Notice Posted on Property:
Letters to adjacent property owners mailed:

October 17, 2012
October 22, 2012
October 22, 2012

Approved by:



R. Martin Ostholthoff
Community Development Director

Attachments:

- A. Resolution P12-19
- B. Application Materials
- C. Referral Agency Responses

ATTACHMENT A

RESOLUTION NO. P12-19

A RESOLUTION MAKING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE SPECIAL REVIEW USE FOR AN ACCESSORY DWELLING UNIT AT 1468 NORTHRIDGE DRIVE.

WHEREAS, the Planning Commission of the Town of Erie, Colorado, has received and considered the Special Review Use application for an Accessory Dwelling Unit for 1468 Northridge Drive, on Wednesday, November 7, 2012, on the application of David and Erika Mouffe, 1468 Northridge Drive, Erie, Colorado, 80516, for the following real property; to wit:

LOT 13, NORTHRIDGE FILING NO. 2, COUNTY OF WELD, STATE OF COLORADO.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF ERIE, COLORADO, as follows:

Section 1. Findings of Fact.

1. The applicant's application and supporting documents are in substantial compliance with the Town of Erie Municipal Code, Title 10.
2. The Special Review Use has met Town of Erie Municipal Code, Title 10 Section 7.13.C.9 Approval Criteria:
 - a. The proposed use is consistent with the Comprehensive Plan and all applicable provisions of this Code and applicable State and Federal regulations;
 - b. The proposed use is consistent with the purpose and intent of the zoning district in which it is located;
 - c. The proposed use is consistent with any applicable use-specific standards set forth in Section 3.2;
 - d. The proposed is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
 - e. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable;
 - f. Facilities and services (including sewage and waste disposal, water, gas, election, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;
 - g. Adequate assurances of continuing maintenance have been provided; and
 - h. Any significant adverse impacts on the natural environment will be mitigated to the maximum extent practicable.

3. The Special Review Use as proposed preserves the health, safety, welfare and interest of the citizens of the Town of Erie, Colorado.

Section 2. Conclusions and Order Recommending Approval to the Board of Trustees of the Special Review Use for an Accessory Dwelling Unit at 1468 Northridge Drive.

1. The applicant's application and supporting documents are in substantial compliance with the Town of Erie Municipal Code, Title 10.
2. The Special Review Use has met Title 10, Section 7.13.C.9 Approval Criteria.
3. The Special Review Use as proposed preserves the health, safety, welfare and interest of the citizens of the Town of Erie, Colorado.

INTRODUCED, READ, SIGNED AND APPROVED this 7th day of November 2012.

TOWN OF ERIE, PLANNING COMMISSION

Brent Bell, Chair

ATTEST:

Hallie S. Sawyer, Secretary

ATTACHMENT B

TOWN OF ERIE

Community Development Department – Planning Division
645 Holbrook Street – PO Box 750 – Erie, CO 80516
Tel: 303.926.2770 – Fax: 303.926.2706 – Web: www.erieco.gov

LAND USE APPLICATION

Please fill in this form completely. Incomplete applications will not be processed.

STAFF USE ONLYFILE NAME: 1468 Northridge Dr.FILE NO: SR2-12-00037DATE SUBMITTED: 9-11-12FEES PAID: \$400PROJECT/BUSINESS NAME: David (or Erika) Mouffe (Residence)PROJECT ADDRESS: 1468 Northridge DrivePROJECT DESCRIPTION: Accessory Dwelling Unit Application**LEGAL DESCRIPTION** (attach legal description if Metes & Bounds)Subdivision Name: NorthridgeFiling #: 2Lot #: 13Block #: —Section: 7Township: 1-NRange: 68W**OWNER** (attach separate sheets if multiple)Name/Company: David (or Erika) MouffeContact Person: David MouffeAddress: 1468 Northridge DriveCity/State/Zip: Erie, CO 805126Phone: 303 828 9335

Fax:

E-mail: david.mouffe@gmail.com**AUTHORIZED REPRESENTATIVE**

Company/Firm:

Contact Person:

Address:

City/State/Zip:

Phone:

Fax:

E-mail:

MINERAL RIGHTS OWNER (attach separate sheets if multiple)Name/Company: N/A

Address:

City/State/Zip:

MINERAL LEASE HOLDER (attach separate sheets if multiple)Name/Company: N/A

Address:

City/State/Zip:

LAND-USE & SUMMARY INFORMATIONPresent Zoning: PDProposed Zoning: PDGross Acreage: 1/2 acreGross Site Density (du/ac): N/A# Lots/Units Proposed: N/AGross Floor Area: 4,434 sq ft**SERVICE PROVIDERS**Electric: United PowerMetro District: N/A

Water (if other than Town):

Gas: Public Service Company/Excel EnergyFire District: Mountain View

Sewer (if other than Town):

PAGE TWO MUST BE SIGNED AND NOTARIZED

DEVELOPMENT REVIEW FEES			
ANNEXATION		SUBDIVISION	
<input type="checkbox"/> Major (10+ acres)	\$ 4000.00	<input type="checkbox"/> Sketch Plan	\$ 1000.00 + 10.00 per lot
<input type="checkbox"/> Minor (less than 10 acres)	\$ 2000.00	<input type="checkbox"/> Preliminary Plat	\$ 2000.00 + 40.00 per lot
<input type="checkbox"/> Deannexation	\$ 1000.00	<input type="checkbox"/> Final Plat	\$ 2000.00 + 20.00 per lot
COMPREHENSIVE PLAN AMENDMENT		<input type="checkbox"/> Minor Subdivision Plat	\$ 2000.00
<input type="checkbox"/> Major	\$ 3000.00	<input type="checkbox"/> Minor Amendment Plat	\$ 1000.00 + 10.00 per lot
<input type="checkbox"/> Minor	\$ 1200.00	<input type="checkbox"/> Road Vacation (constructed)	\$ 1000.00
ZONING/REZONING		<input type="checkbox"/> Road Vacation (paper)	\$ 100.00
<input type="checkbox"/> Rezoning	\$ 1700.00 + 10.00 per acre	SITE PLAN	
<input type="checkbox"/> PUD Rezoning	\$ 1700.00 + 10.00 per acre	<input type="checkbox"/> Residential	\$ 1400.00 + 10.00 per unit
<input type="checkbox"/> PUD Amendment	\$ 1700.00 + 10.00 per acre	<input type="checkbox"/> Non-Resi. (>10,000 sq. ft.)	\$ 2200.00
<input type="checkbox"/> Major PD Amendment	\$ 3700.00 + 10.00 per acre	<input type="checkbox"/> Non-Resi. (>2,000 sq. ft.)	\$ 1000.00
<input type="checkbox"/> Minor PD Amendment	\$ 500.00	<input type="checkbox"/> Non-Resi. (<2,000 sq. ft.)	\$ 200.00
SPECIAL REVIEW USE		<input type="checkbox"/> Amendment (major)	\$ 1100.00
<input type="checkbox"/> Major	\$ 1000.00	<input type="checkbox"/> Amendment (minor)	\$ 350.00
<input checked="" type="checkbox"/> Minor	\$ 400.00	VARIANCE	
<input type="checkbox"/> Oil & Gas	\$ 1200.00	SERVICE PLAN	\$ 10,000.00

All fees **include** both Town of Erie Planning & Engineering review. These fees **do not include** referral agency review fees, outside consultant review fees, or review fees incurred by consultants acting on behalf of staff. See Town of Erie Municipal Code, Title 2-10-5 for all COMMUNITY DEVELOPMENT FEES.

The undersigned is fully aware of the request/proposal being made and the actions being initiated on the referenced property. The undersigned understand that the application must be found to be complete by the Town of Erie before the request can officially be accepted and the development review process initiated. The undersigned is aware that the applicant is fully responsible for all reasonable costs associated with the review of the application/request being made to the Town of Erie. Pursuant to Chapter 7 (Section 7.2.B.5) of the Unified Development Code (UDC) of the Town of Erie, applicants shall pay all costs billed by the Town for legal, engineering and planning costs incurred by staff, including consultants acting on behalf of staff, necessary for project review. By this acknowledgement, the undersigned hereby certify that the above information is true and correct.

Owner:

Owner:

Applicant:

STATE OF COLORADO

County of Weld

) ss.

The foregoing instrument was acknowledged before me this 11th day of September, 2011, by David Mouffe.

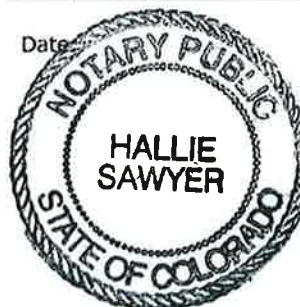
My commission expires: 01-03-2015

Witness my hand and official seal.

Date: 9/11/12

Date:

Date:



Notary Public

From: Erika and David Mouffe
1468 Northridge Dr.
Erie, CO 80516
303-828-9335

9/7/12

To: Town of Erie
Community Development Dept.-Planning Division

As many of you have probably experienced, my wife and I are watching our parents growing older and are dealing with the realities of helping them as it becomes more and more difficult for them to live on their own. With my Dad reaching 86 and Mom 83 years of age, it's clear that changes are not too far down the road, and this is the main reason we are applying for the Minor Special Review use.

I had a conversation with Marty Ostholthoff about what it would take to legally have my parents move into our basement here in Erie. He suggested we go through the Special Review use process to make our basement an "Accessory Dwelling Unit".

Most of the basement of our house has been finished since 2005 when we added a full kitchen, bath, bed, large back storage room and game (living) room. (See attached drawings) Portions of this finished area, not to exceed 800 Sq.Ft., would become my parents dwelling when and if the time comes. At this time they have no pets.

There will be no impact on our neighbors from construction as everything is already complete, and parking will not be a concern as we have an extensive driveway with plenty off-road parking. Dad doesn't drive anymore and Mom is getting close, so parking will never be an issue. We also have large areas for outside storage under two decks on the back of the house.

We are sending out letters to our neighbors informing them of our request for the Accessory Dwelling Unit permit so we can be as "up-front" as possible about our plans. We have a very tight knit cul-de-sac and we've known each other for many years, so we are happy to discuss with them any concerns they may have regarding our plans.

There are no mineral rights, covenants, special conditions, grants of easements, or other restrictions related to our request, and Northridge subdivision has no HOA which may otherwise have imposed restrictions on obtaining an Accessory Dwelling Unit permit.

Thank you for your consideration of our proposal and please let us know if we can supply you with any additional information you may need.

Sincerely,

David and Erika Mouffe

326

757-Bldr. B6091

WARRANTY DEED

THIS DEED, Made on June 21, 1996

between James G. Norton and Thomas S. Morton

of the County of Weld and
State of Colorado grantor, and
Erika Mouffe and David Mouffe as Joint Tenants

STATE DOCUMENTARY FEE

JUL 9 1996

\$5.95

whose legal address is 600 Hawthorn Ave.
Boulder, CO 80304

of the County of Weld and State of Colorado, grantees:

WITNESS, That the grantor, for and in consideration of the sum of (\$59,500.00)

Fifty nine thousand five hundred dollars and no cents DOLLARS,
the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does
grant, bargain, sell, convey and confirm unto the grantees, their heirs and assigns forever, not in tenancy in common but in joint tenancy,
all the real property, together with improvements, if any, situate, lying and being in the said County of
Weld and State of Colorado, described as follows:

Lot 13

NORTHRIDGE SUBDIVISION, FILING No. 2,
recorded February 22, 1996 in Book 1533 at Reception No. 2477420
and re-recorded March 20, 1996 in Book 1538 at Reception No. 2481710,
County of Weld,
State of Colorado.

as known by street and number as: 1468 Northridge Drive
Erie, Colorado 80516

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining and the
reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and
demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and
appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantees, their heirs
and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain, and agree to and
with the grantees, their heirs and assigns, that at the time of the executing and delivery of these presents, he is well seized of the premises
above conveyed, had good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full
power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear
from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature
soever, except taxes for the current year and subsequent years, and except easements,
restrictions, reservations, rights of way and covenants of record, if any.

2504326 B-1559 P-796 08/02/96 05:10P PG 1 OF 1 REC DOC
Weld County CO JA Suki Tsukamoto Clerk & Recorder 6.00 5.95

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable
possession of the grantees, their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part
thereof.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.
IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

Thomas S. Morton
THOMAS S. Morton

James G. Norton
James G. Norton

STATE OF Colorado

said County of Boulder

} SS.

The foregoing instrument was acknowledged before me this
by James G. Norton and Thomas S. Morton

21

day of June

1996

Witness my hand and official seal.

My Commission expires October 6, 1998

Chris DeMoss
Notary Public
Chris DeMoss



SITE PLAN/LEGAL DESCRIPTION

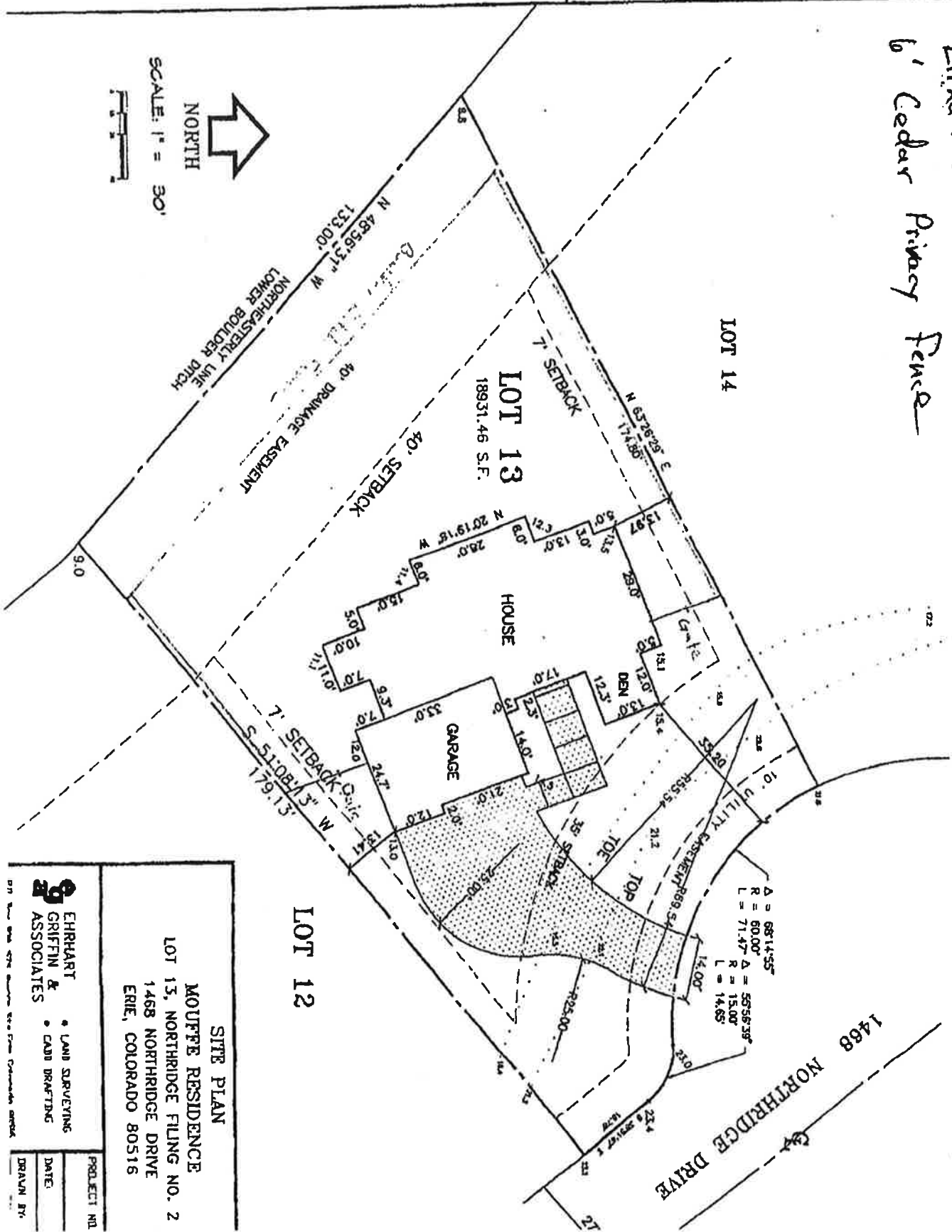
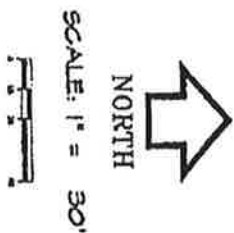
Erica + David Mouffe
6' Cedar Privacy Fence

Aug. 04 1997 06:17PM P1

PHONE NO. : 3034159905

FROM : Panasonic FAX SYSTEM

SPARK
ON AN
MINIMUM
A SMOOTH
WIDTH
V.C.
FINING
PROVED
INTER
25.51
14.61



SITE PLAN
MOUFFE RESIDENCE
LOT 13, NORTHIDGE FILING NO. 2
1468 NORTHIDGE DRIVE
ERIE, COLORADO 80516

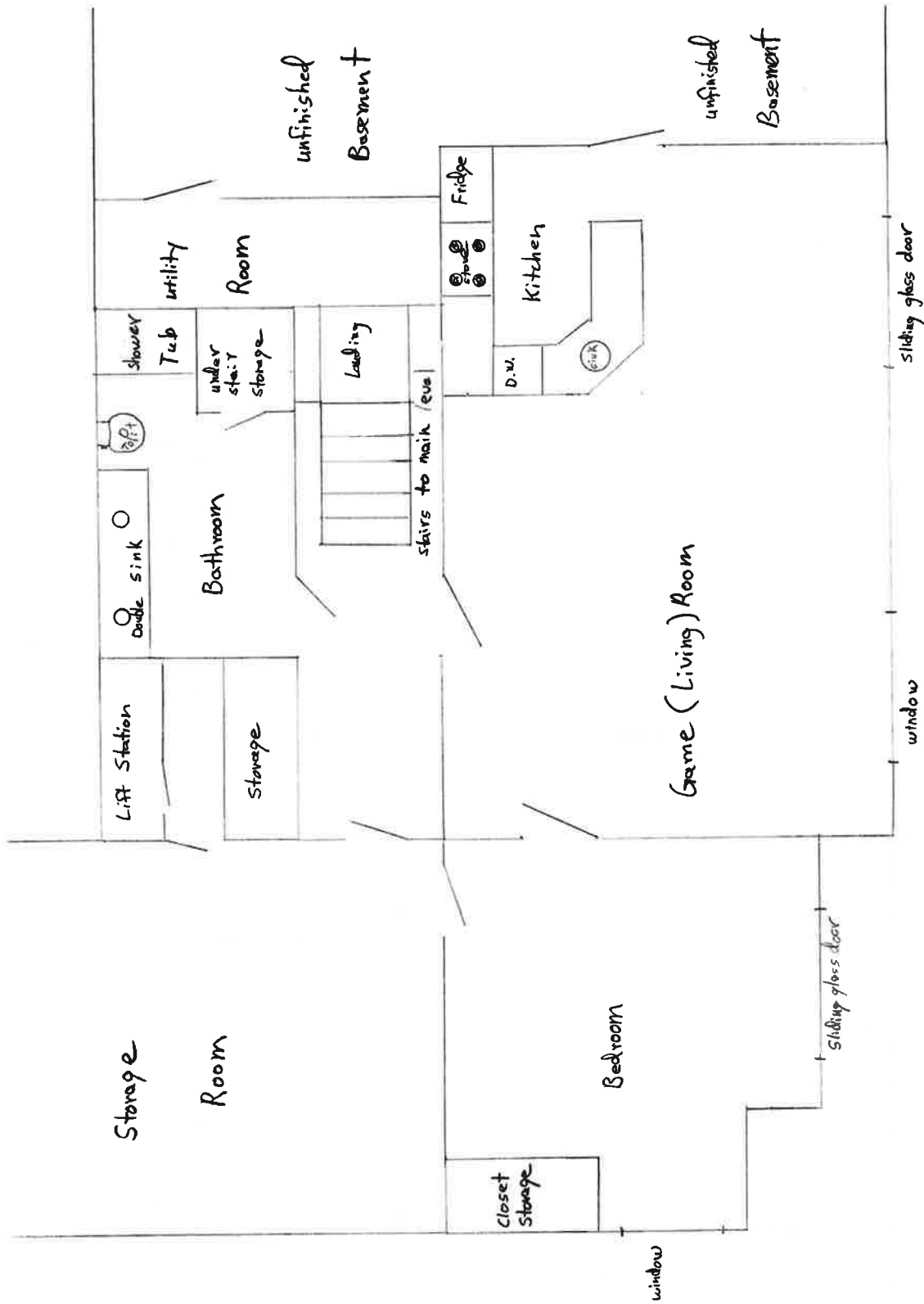
PROJECT NO.
DATE
DRAWN BY

EHRLHART
GRIFFIN & ASSOCIATES
• LAND SURVEYING
• CAD DRAFTING

David + Erika Mouffe
 1468 Northridge Dr.
 Erie, CO 80516
 303-828-9335

Total Square Feet

Living Room + Kitchen : 504 sq ft
 Bedroom : 207 sq ft
 Bathroom : 88 sq ft
 Total : 799 sq ft



Scale: $\square = 1\text{-sq. ft.}$



From: Erika and David Mouffe
1468 Northridge Dr., Erie

9/11/12

Hello neighbors,

I am writing this letter to you and all of our neighbors in the cul-de-sac to let you know that we are applying for a "Special Review Use" from the town of Erie.

As many of you may or may not know, my (Dave's) parents are getting up there in years, Dad-86 and Mom-83, and it won't be too long before they won't be able to live on their own in their house in Boulder.

We have talked about all kinds of options they have when the time comes to make a change and one of those options is for them to move in with us here in Erie.

This brings us back to the "Special Review Use". After talking with Martin Ostholthoff, (Erie Director of Community Development) about what it would take, legally, to have my parents live with us, he suggested we apply for this permit.

Simply put, it allows us to use our basement as a separate apartment for them.

Since Northridge Subdivision is a "Single Family" use subdivision this is why, to do things by the "Book" we need to apply for the "Special Review Use".

The town of Erie will send out letters about our application to anyone within 300 ft. of our house explaining what it means and asking for input, weather positive or negative, in favor or against our request.

Erika and I are quite aware that street parking is a concern in our cul-de-sac, but as of a year ago my Dad stopped driving altogether and sold his car, and Mom is getting ever closer to that point, so with our ample driveway space there is no need for them to use street parking.

We hope this request won't pose a problem to any of our neighbors as we cherish your feelings and concerns.

Thanks,

Your neighbors and friends,

Erika and Dave Mouffe

Comments:

we have no problem with Dave and Erika's request. *Chuck & Mary Burt*



From: Erika and David Mouffe
1468 Northridge Dr., Erie

9/11/12

Hello neighbors,

I am writing this letter to you and all of our neighbors in the cul-de-sac to let you know that we are applying for a "Special Review Use" from the town of Erie.

As many of you may or may not know, my (Dave's) parents are getting up there in years, Dad-86 and Mom-83, and it won't be too long before they won't be able to live on their own in their house in Boulder.

We have talked about all kinds of options they have when the time comes to make a change and one of those options is for them to move in with us here in Erie.

This brings us back to the "Special Review Use". After talking with Martin Ostholthoff, (Erie Director of Community Development) about what it would take, legally, to have my parents live with us, he suggested we apply for this permit.

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Thanks,

Your neighbors and friends,

Erika and Dave Mouffe

Comments:

We support Dave + Erika's application for a
Special Review Use

Tony + Tim Tawell



From: Erika and David Mouffe
1468 Northridge Dr., Erie

9/11/12

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Your neighbors and friends,

Erika and Dave Mouffe

Comments: *Terry + Colleen Conant support this permit request*



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1468 Northridge Dr., Erie

9/11/12

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Thanks,

Your neighbors and friends,

Erika and Dave Mouffe

Comments:

I, Randi Vargas at 1463 Northridge Drive, have no problem with Erika and Dave Mouffe's above plan. Randi J. Vargas



From: Erika and David Mouffe
1468 Northridge Dr., Erie

9/11/12

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Thanks,

Your neighbors and friends,

Erika and Dave Mouffe

Comments:

1431 Northridge Dr Pam McLorkle. I'm all for Dave's parents, in their time of need, to be cared for by Dave & Erika. I fully support them.

ATTACHMENT C



Town of Erie, Colorado

Development Referral

☐ Town of Erie Public Works
☒ Town of Erie Building Department
☐ Mountain View Fire Protection District

Planner: Marty Ostholthoff
Project: 1468 Northridge Drive
Applicant: David Mouffe
Description: Special Review Use-Accessory Dwelling Unit
Location: 1468 Northridge Drive

Date: September 25, 2012

Legal Description: See Attached Materials

This application is submitted to you for review and comment. Please reply by **Friday, October 12, 2012**, so that we may give full consideration to your comments. Any response not received by this date may be deemed to be a positive response to the Town of Erie. Email responses can be sent to comdev@erieco.gov. If you have any questions about this application, please call 303-926-2770.

☐ We have reviewed this application and find no conflicts with our interests
☐ We have reviewed this application and find conflicts with our interests.
☐ See comments below or attached letter.

Comments: Permit Requested for change of exercise Rm
being converted to Bed Rm ^{Permit # 05-M-107}, and Game Rm
remodel Permit 05-M-74 did not include DW, stove,
& Refrigerator. Carbon monoxide detector required within 15 feet of

Signature: Bryon Hogen **Date:** 9.27.12

Name (Please Print): Bryon Hogen

SRU-12-00037

**TOWN OF ERIE
PLANNING COMMISSION MEETING
Wednesday, November 7, 2012**

SUBJECT: Proposed amendments to Title 10 of the Town of Erie Municipal Code.

PURPOSE: Town Public Works Department proposed amendments to Title 10 of the Town of Erie Municipal Code.

CODE REVIEW: Town of Erie Municipal Code, Title 10 (UDC)

DEPARTMENT: Community Development Department/Public Works Department
Wendi L. Palmer, Civil Engineer

ACTION REQUESTED: Consideration of Resolution No. P12-20, a Resolution recommending approval of the proposed amendments to Title 10 of the Town of Erie Municipal Code.

STAFF RECOMMENDATION: Approval of Resolution P12-20.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The Federal Emergency Management Agency (FEMA) has updated the Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) that cover the Town of Erie. The new effective date for these maps is December 18, 2012. The new maps require that the Town's Code governing development requirements in the regulated floodplain be updated to reflect the new map date.

The State of Colorado has adopted new Rules and Regulations for floodplains. These new regulations require that changes be made to the Town's Code governing development requirements in the regulated floodplain to reflect the new requirements. The following new rules were implemented:

- Any new structure constructed in an area removed from the flood hazard area utilizing a Letter of Map Revision based on fill, shall be constructed on fill so that the lowest floor (including basement) is at least 1 foot above the previous base flood elevation.
- Critical facilities constructed within flood hazard areas shall be constructed on fill so that the lowest floor (including basement) is at least 2 feet above the base flood elevation.
- The requirements for establishing a floodway changed from a 1 foot surcharge to a 0.5 foot surcharge.

In addition to the changes required by the new FIRM date and the new State regulations, Staff is recommending additional changes to the Town's Code to clarify development requirements in the Floodplain Overlay District.

Staff has provided a redline of these proposed amendments to Title 10. Please note that these redlines are attached to Resolution P12-20 as Exhibit A.

CODE AMENDMENT APPROVAL CRITERIA

The following are the approval criteria of Section 7.21.C.9, Amendments to the Text of the Code. The Planning Commission must make findings that support the approval of, or the denial of, the proposed Code amendment based on these criteria.

1. THE PROPOSED AMENDMENT WILL PROMOTE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE;
2. THE PROPOSED AMENDMENT IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN AND THE STATED PURPOSES OF TITLE 10; AND
3. THE PROPOSED AMENDMENT IS NECESSARY OR DESIRABLE BECAUSE OF CHANGING CONDITIONS, NEW PLANNING CONCEPTS, OR OTHER SOCIAL OR ECONOMIC CONDITIONS.

Public Notice:

Public notice is not required for Title 10 amendments before the Planning Commission. A Public Hearing is required for Title 10 amendments, with 15 days published notice for the Board of Trustees meeting.

Approved by:



R. Martin Ostholthoff
Community Development Director

Attachments:

- A. Resolution P12-20 with Redlines attached as Exhibit A

RESOLUTION NO. P12-20

A RESOLUTION RECOMMENDING APPROVAL OF AMENDMENTS TO TITLE 10 OF THE TOWN OF ERIE MUNICIPAL CODE.

WHEREAS, the Planning Commission of the Town of Erie, Colorado, has received and considered amendments to the Title 10 of the Town of Erie Municipal Code, on Wednesday, November 7, 2012, on the application of the Community Development Department.

WHEREAS, The Town desires to amend Title 10 of the Town of Erie Municipal Code; and

WHEREAS, it is deemed to be in the best interest of the Town and for the benefit of the public health, safety and welfare of the residents of the Town of Erie for the Town of Erie to amend Title 10 of the Municipal Code.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF ERIE, COLORADO, as follows:

Section 1. Findings of Fact

1. The Planning Commission determined that the application meets the Approval Criteria as specified in Title 10 of the Municipal Code, Section 7.21.C.9. Specifically that;
 - a. The proposed amendment will promote the public health, safety, and general welfare;
 - b. The proposed amendment is consistent with the Town's Comprehensive Plan and the stated purposes of Title 10; and
 - c. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

Section 2. Conclusions

The application is in substantial compliance with Title 10 of the Municipal Code, Section 7.21 – Amendments to the Text of The Code.

Section 3. Recommendations and Conditions

The Planning Commission recommends approval of the amendments to Title 10 of the Municipal Code, attached hereto as "Exhibit A."

INTRODUCED, READ, SIGNED AND APPROVED THIS 7th DAY OF November, 2012.

TOWN OF ERIE, PLANNING COMMISSION

Brent Bell, Chair

ATTEST:

Hallie S. Sawyer, Secretary

Exhibit A

10.11.3 TERMS DEFINED

The following words, terms and phrases, when used in this UDC, shall have the meanings ascribed to them in this Section:

Abut or Abutting

Touching. An abutting condition shall not be affected by the parcelization or division of land that results in an incidental, non-buildable, remnant lot, tract or parcel.

Accessory Use

A structure or use that: (1) is subordinate in area, extent, and purpose to the principal use; (2) contributes to the comfort, convenience, or necessity of the principal use; and (3) is located on the same lot or on a contiguous lot in the same ownership and in the same zone district as the principal use.

Adequate Public Facilities ("APF")

Public facilities and services necessary to maintain the adopted level of service standards.

Adjacent

Nearby, but not necessarily touching. The determination of "nearby" shall be made on a case-by-case basis, taking into consideration the context in which the term is used and the variables (such as but not limited to size, mass, scale, bulk, visibility, nature of use, intensity of use) that may be relevant to deciding what is "nearby" in that particular context. Adjacency shall not be affected by the existence of a platted street or alley, a public or private right-of-way, or a public or private transportation right-of-way or area.

Administrative Review/Decision

Review or decision by the Community Development Director.

Adult Bookstore

An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals and goods and items held for sale which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or sections devoted to the sale or display of such material.

Adult Cabaret, Restaurant or Place of Business

A cabaret, restaurant or place of business which features waitresses, waiters, dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers attired in such manner as to display "specified anatomical areas."

Adult Hotel or Motel

Any hotel or motel in which the presentation of adult material is the primary or principal attraction.

Adult Material

Any material including, but not limited to, books, magazines, newspapers, movie films, slides or other photographic or written materials, video tapes, video disks, computer software and/or other items or devices which are distinguished or characterized by their emphasis on depicting, describing or relating to "specified anatomical areas" or "specified sexual activities."

Adult Mini-motion Picture Theater

Any theater or establishment with a capacity of less than 50 persons in which the presentation of adult material is the primary or principal attraction.

Adult Novelty Store or Adult Retail Store

Any establishment that has adult material as a significant or substantial portion of its stock-in-trade, or derives a significant or substantial portion of its revenues from such material, or devotes a significant or substantial portion of its interior business or interior advertising to such material, or maintains a substantial or significant portion of its gross floor area or display space for the sale or rental, for any form of consideration, of such material including, but not limited to, books,

magazines, newspapers, movie films, slides or other photographic or written material, video tapes, video disks, computer software and/or other items or devices. For the purpose of this definition, "significant or substantial" shall mean more than 20 percent.

Adult-oriented

A use of property where the principal use, or a significant or substantial adjunct to another use of the property, is the sale, rental or display of adult material, or is an offering of live entertainment, dancing or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to "specified sexual activities" or "specified anatomical areas" as the primary attraction to the premises.

Adult Photo Studio

An establishment that, upon payment of a fee, provides on-premises photographic equipment, services and/or models for the purpose of photographing specified anatomical areas.

Adult Theater

A theater used for the presentation of material distinguished or characterized by an emphasis on material depicting, describing or relating to specified sexual activities.

Agricultural

The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry; excluding the raising of hogs, pigs or other livestock fed from garbage or offal. Accessory uses may include dwelling units for proprietors and employees, barns, storage of grain, animal raising, feed preparation, and wholesale sales of products produced on-site. Specific use types include, but are not limited to:

Agricultural Cultivation; Agricultural Grazing; or Produce Stand.

Agricultural Cultivation

The raising of agricultural products for consumption, commercial sale or development of agritainment uses such as corn mazes and orchid houses. Products may include, but are not limited to, vegetables, grains, fruits, plants, and other similar products.

Agricultural Grazing

The practice of keeping cattle, sheep, horses, or other similar animals on fields for the purpose of grazing and feeding.

Airport and Related Uses

Any area that is used, or is intended to be used, primarily for the takeoff and landing of aircraft and any appurtenant areas that are used, or intended to be used, for airport buildings or facilities, including open spaces, taxiways, and tie down areas, hangars, and other accessory buildings.

Airport Influence Area

The area in which current or future airport-related noise, over flight, safety, or air space protection factors may significantly affect land uses or necessitate restrictions on those uses.

Alley

A public or private way permanently reserved as a secondary means of access to abutting property.

Alteration

Any change, addition or modification in construction, occupancy or use.

Amusement Park

An outdoor enterprise whose main purpose is to provide the general public with entertaining activity, where tickets are sold or fees collected at the activity. Commercial amusements include miniature golf courses, outdoor arcades, ferris wheels, children's rides, roller coasters, skateboard parks, go-cart tracks, water parks and similar uses.

Animal Boarding

The operation of an establishment in which domesticated animals other than household pets are housed, groomed, bred, boarded, trained or sold. This term shall not include the operation of a kennel.

Animal Day Care

A facility providing such services for domesticated pets for all or part of a day, obedience classes, training, grooming and/or behavior counseling.

Animal Hospital, Large Animals

An animal hospital or rehabilitation center for large animals is a veterinary establishment whose purpose is to provide inpatient and outpatient services to animals such as cows, horses, buffalo, pigs, sheep, goats, donkeys, mules, and other animals of similar size. Such facilities may be indoor only, or may have both indoor and outdoor facilities, depending on the zoning district in which they are located; see Table 3-1.

Animal Hospital, Small Animals

An animal hospital for small animals is a veterinary establishment whose purpose is to provide inpatient and outpatient services to animals such as cats, dogs, fowl, reptiles and other small domestic animals. Such facilities may be indoor only, or may have both indoor and outdoor facilities, depending on the zoning district in which they are located; see Table 3-1.

Animal Sales and Care

Animal Sales and Care uses involve the selling, boarding, or care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas. Specific use types include, but are not limited to: **Animal Hospital, Large Animals; Animal Hospital, Small Animals; Horse Stables; or Kennel or Animal Day Care.**

Antenna Collocation on Existing Tower

Any structure or device used to collect, receive, transmit, or radiate electromagnetic waves, including both directional antennas (such as panels, microwave dishes, satellite earth station antennas over 2 meters in diameter) and omni-directional antennas (such as whips) that is placed upon an existing telecommunications tower or projection. This term does not include antennas 2 meters or less in diameter.

Apartment

A part of a building consisting of a room or rooms intended, designed, or used as a residence by an individual or a single family.

Appeal

A request for a review of the administrative official's interpretation of any provision of this chapter or a request for a variance.

Applicant

The legal owners of a lot or of any land included in a proposed development; the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

Approach Surface

A surface defined by FAR Part 77 "Objects Affecting Navigable Air Space," which is longitudinally centered on the runway centerline and extends outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based on the type of approach available or planned for that runway end.

Architectural Projection

Any projection that is not intended for occupancy and which extends beyond the face of an exterior wall of a building, including arcades, roof overhangs, mansards, unenclosed exterior balconies, marquees, canopies, pilasters, fasciae and the like, but not including signs.

Area of Shallow Flooding

A designated AO, AH, or VO zone on a community's flood insurance rate map (FIRM) with a 1 percent chance or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard

The land in the floodplain subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

Assembly

Assembly uses include facilities owned or operated by associations, corporations, or other persons for social, educational, or recreational purposes primarily for members and their guests. Accessory uses may include offices, meeting areas, food preparation areas, concessions, parking, and maintenance facilities. This use includes assembly of fraternal organizations (Elks, Lions Club, etc.).

Assembly Building or Place of Assembly

As related to oil and gas well facility regulations, assembly building shall mean any building or portion of building or structure used for the regular gathering of 50 or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking or dining or awaiting transport.

Athletic Fields and Courts

Land, often requiring equipment, designed for outdoor games and sports such as baseball, football, tennis and soccer.

Automated Teller Machine

A device that dispenses cash and conducts limited banking transactions for customers using a credit card, bank card, or other similar personal banking card. These devices, known as automatic teller machines (ATMs), may be part of a bank office, a drive-up banking center, or may be freestanding units in retail centers or within other buildings.

Auto Wrecking and Salvage Yard

Any lot upon which 2 or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license or registration, have been placed for the purpose of obtaining parts for recycling or resale.

Aviation

Aviation uses include improved or unimproved facilities for the landing and takeoff of flying vehicles, including loading and unloading areas and passenger terminals for aircraft. Accessory uses include freight handling areas, concessions, offices, parking and maintenance, and fueling facilities. Specific use types include, but are not limited to: **Airport and Related Uses; Heliport; Helistop.**

Awning

A shelter supported entirely from the exterior wall of a building.

Balcony, Exterior

A projecting platform that is enclosed only by a parapet or railing, and is roofless, and which is suspended or cantilevered from, or supported solely by, the principal structure.

Bank

A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions, such as making loans, investments, and fiduciary activities. Banks may or may not have a drive-through facility, depending on the zoning district in which they are located; see Table 3-1.

Bar/Tavern

An area or structure primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages. Operations may or may not include outdoor seating areas or outdoor service, depending on the zoning district in which they are located; see Table 3-1.

Base Flood

A flood, having a 1 percent chance of being equaled or exceeded in any given year. This term is used interchangeably with a 100-year flood.

Base Flood Elevation

The water surface elevation of the base flood in relation to mean sea level.

Basement

That portion of a building that is partly or completely below grade.

Bed and Breakfast

An establishment operated in a private residence or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment.

Bicycle Parking

An area that includes a bicycle rack and is free of obstructions to allow the convenient and accessible parking of a bicycle.

Blank Wall

An exterior building wall with no openings and a single material and uniform texture on a single plane.

Block

Land or a group of lots, surrounded by streets or other right-of-ways other than an alley, or land which is designated as a block on any recorded subdivision tract.

Board

The Board of Trustees of the Town of Erie, Colorado.

Boarding and Rooming House

A building other than a hotel, motel or bed and breakfast where, for compensation and by prearrangement for definite periods lasting 1 week or longer, meals or rooming units are provided for 3 or more persons, but not exceeding 20 persons, provided such persons are not members of the owner's or operators immediate family.

Botanical Garden

A public or private facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables or ornamental plants.

Building

Any structure constructed in compliance with the Building Code, used or intended for supporting or sheltering any use or occupancy, and any walled or roofed structure, including a gas or liquid storage tank and manufactured homes that are principally aboveground.

Building Coverage

Any area of a portion of a lot which is covered by all buildings on that lot.

Building Frontage

The horizontal, linear dimension of that side of a building, which abuts a street, a parking area, a mall, or other circulation area open to the public and has either a main window display or a public entrance to the building. In industrial districts a building side with an entrance open to industrial employees shall also qualify as a building frontage. Where more than 1 use occupies a building, each such use having a public entrance or main window display for its exclusive use shall be considered to have its own building frontage, which shall be the front width of the portion of the building occupied by that use.

Building Height

Building height shall be measured as the vertical distance above a reference datum to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following; whichever yields a greater height of building:

- a. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.
- b. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described above is more than 10 feet above lowest grade.

Building Mass

The 3-dimensional bulk of a building: height, width and depth.

Building Materials and Lumber Sales

An establishment for the sale of materials, hardware and lumber customarily used in the construction of buildings and other structures, which includes facilities for storage.

Building Official

The Chief Building Official of the Town of Erie, Colorado.

Buffer

Open spaces, landscaped areas, fences, walls, berms, or any combination thereof, used to visually cushion and provide a physical separation between adjacent structures or uses.

Bus Lot/Maintenance Facility

Any lot, tract or land area used for the storage, layover or maintenance of passenger buses, motor coaches or school buses.

Caliper

The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at 6 inches above the ground for trees up to and including 4-inch caliper size, and as measured at 12 inches above the ground for larger sizes.

Campground

An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including tents and recreational vehicle equipment.

Car Wash

A facility for the cleaning of automobiles, providing either self-serve facilities or employees to perform washing operations.

Cemetery

Land used or dedicated to the interment of human or animal remains, including columbarium, mausoleums, mortuaries and associated maintenance facilities when operated in conjunction with, and within the boundaries of, such cemetery.

Change of Use

The act of changing the occupancy of a building or land from a use that is specifically listed as a "Permitted Use" including:

- a. The occupancy of a single-tenant building or of a parcel of land changes from the most recent previously existing use to a different use;
- b. The occupancy of a tenant space in a multi-tenant building changes to a use that is not currently existing in another tenant space of the building or that did not previously exist in any tenant space of the building within the last 12 months; or
- c. The most recent previously existing use of a building or land has been abandoned, by cessation of active and continuous operations during a period of 12 consecutive months, and either the same type of use is proposed to be reestablished or a different use that did not exist on the property is proposed to be established.

Channel

A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct periodically or continuously flowing water. Channel flow, this, is that water which is flowing within the limits of the defined channel.

Check-cashing Facility

An establishment that for compensation engages in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification does not include a state or federally chartered bank, savings association, credit union, or industrial loan company. Further, this classification does not include establishments selling consumer goods, including consumables, where the cashing of checks or money orders is incidental to the main purpose of the business.

Child Care

Child Care uses include facilities that provide care for children on a regular basis away from their primary residence. This category does not include public or private schools or facilities operated in connection with an employment use, shopping center, or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity. Accessory uses include offices, recreation areas, and parking.

Child Care Center, Large

A facility that is maintained for the whole or part of the day for the care of 16 or more children who are 18 years of age or younger and who are not related to the owner, operator or manager, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as day care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children and those facilities that give 24 hour care for children and includes those facilities for children under the age of 6 years with stated educational purposes operated in conjunction with a public, private or parochial elementary school system of at least 6 grades or operated as a component of a school district's preschool program operated pursuant to Article 28 of Title 22, C.R.S. The term shall not include any facility licensed as a family care home (defined below in the accessory use definitions) or foster care home.

Child Care Center, Small

The same type of facility defined as Large Child Care Center above, except that the facility cares for more than 5, but less than 16 children.

College or University

A permanent facility for the purpose of undergraduate and graduate instruction. The institution may be privately or publicly funded and may also include on-campus dormitories for enrolled students.

Commercial Amusement

A commercial establishment designed and equipped for the conduct of sports, exercise, or leisure-time activities within a fully enclosed building. Typical uses include, but are not limited to: billiards, bingo, bowling, gymnasiums and health clubs, pools, skating rinks, motion picture theaters, and related amusements. Accessory uses may include the preparation and serving of food or sale of equipment related to the enclosed uses.

Commercial Development

Any land development activity except development activity intended solely for residential, industrial or light industrial use.

Commercial School

An establishment, other than public or parochial schools, private primary or secondary schools, or colleges and universities, offering training or instruction in a trade, art, or occupation, including, but not limited to, beauty schools, dance schools, and trade or vocational schools.

Commission

The Town of Erie Planning Commission.

Common Open Area

Areas held in private ownership and designated for shared use by common owners, their guests and invitees, or members of an owner's association.

Community Center (public)

A place, structure, area, or other facility used for and providing fraternal, social, or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community, including senior centers and teen centers.

Community Facility

Community Facility uses includes buildings, structures, or facilities owned, operated, or occupied by a non-profit or governmental agency to provide a service to the public. Specific use types include, but are not limited to: **Community Center (public); Correctional Facility; Governmental Office; Neighborhood Recreations Center (Indoor/Outdoor); Public Utility Services; Public Safety Station; or Transit Center.**

Community Garden

A public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than 1 person or family.

Compatibility

The characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

Comprehensive Plan

The Comprehensive Master Plan for the Town which has been officially adopted to provide long-range development policies for the Town and which includes, among other things, the plan for land use, land subdivision, circulation and public facilities.

Concealed Antennae and Towers

Any man-made trees, clock towers, bell steeples, light poles, water towers and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

Condominium

A single dwelling unit in a multiple dwelling unit structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

Container (cargo container, shipping container, or truck trailer body)

A standardized, reusable vessel that is or appears to be: (1) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, or (2) designed for or capable of being mounted or moved on a rail car, or (3) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

Contractor's Shop or Storage Yard

A building or part of a building or land area for the construction or storage of materials, equipment, tools, products, and vehicles.

Convenience Store

A retail establishment with a floor area of less than 5,000 square feet, which sells a limited line of groceries and household items, gasoline, or beer and wine generally intended for the convenience of the neighborhood, but not including an automobile service station.

Correctional Facility

A facility for the purpose of incarcerating and rehabilitating offenders.

County Clerk and Recorder

Weld County Clerk and Recorder or Boulder County Clerk and Recorder.

Court Yards

Open, unoccupied spaces that are wholly or partially enclosed.

Crosswalk or Walkway

A right-of-way dedicated to public use and designed to facilitate pedestrian traffic.

Cultural Facility

A cultural facility displays or preserves objects of interest or provides facilities for 1 or more of the arts or sciences. Accessory uses may include parking, offices, storage areas, and gift shops. Specific use types include, but are not limited to: **Botanical Garden; Library; Museum; or Zoo.**

Deck

An uncovered platform constructed of wood or similar synthetic material.

Dedication

A grant of land or the right to use land, by the owner of that land, to the public, involving a transfer of property rights and an acceptance of the dedicated property by the Town.

Density, Gross

The total number of dwelling units theoretically permitted on a particular parcel based upon its size and zoning designation while not taking into account the portions of unbuildable land.

Dental or Medical Office, Clinic, or Laboratory

A facility for a group of 1 or more dentists or physicians for the examination and treatment of human outpatients, provided that patients are not kept overnight except under emergency conditions.

Development

Any manmade change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Diameter-at-Breast-Height (DBH)

A tree trunk diameter as measured in inches at a height of 4 1/2 feet above the ground or, in the case of a tree that is divided into multiple trunks below 4 and 1/2 feet, as measured at the most narrow point beneath the point of division.

Director

The Director of Community Development of the Town of Erie, Colorado or designated representative.

Dormitory

A building or buildings occupied by and maintained exclusively for students affiliated with an academic or vocational institution, including, but not limited to, fraternities, sororities, and dormitories.

Drip Line

A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Drive Aisles

The lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term drive aisle does not include lanes used only or primarily for drive-in customer service.

Drive-In Use

An establishment which by design, physical facilities, service or packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

Drive-Through or Up Service

Business designed to permit customers to remain in their motor vehicles while being accommodated by the business.

Driveway

A constructed access serving a property and abutting a public or private street.

Dwelling, Duplex

A building having accommodations for and occupied exclusively by 2 families living independently of each other.

Dwelling, Live/Work

A building or space within a building combining a residential living space with an integrated workspace used regularly by 1 or more of the residents of the dwelling unit. Examples of a live-work dwelling unit include, without limitation, a limited business operating on the first floor of a primary residence, or a loft space within a building originally designed for commercial or industrial occupancy that has been remodeled to include a dwelling unit space integrated with work space.

Dwelling, Mobile Home

A transportable, factory-built home, designed to be used as a year-round residential dwelling unit and built prior to the enactment of the National Manufactured Housing Construction and Safety Standards Act of 1974.

Dwelling, Multi-Family

A building or portion thereof used for occupancy by 3 or more families living independently of each other and containing 3 or more dwelling units, including what is commonly known as an apartment building, but not including group, row, or townhouses.

Dwelling, Single-Family Attached

A single-family dwelling unit attached to 1 or more dwelling units or buildings, with each dwelling unit located on its own separate lot.

Dwelling, Single-Family Detached

A residential building containing not more than 1 dwelling unit entirely surrounded by open space on the same lot. This shall include housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974 known as manufactured housing.

Dwelling Unit

One room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy or for rental or lease on a monthly or longer basis, physically separated from any other rooms or dwelling units which may be in the same structure. The term shall not include hotels, motels or other structures used primarily for temporary occupancy.

Easement

A grant of 1 or more of the property rights by the owner to, or for the use by the public, a corporation, or persons, of any designated part of his property for specific purposes.

Education

Education uses are public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools, which provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before or after school day care. Specific use types include, but are not limited to: **College or University; Commercial School; or School (public or private).**

Employees

The total number of persons reasonably anticipated to be employed in a building or on land during normal periods of use.

Existing Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation

of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the Town.

Expansion to Existing Manufactured Home Park or Subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Extended-Stay Lodgings

A hotel or motel typically rented or hired out for periods of 1 week or more that also provides kitchen facilities with refrigerators, stoves, and ovens for food preparation in individual rooms.

Extent Reasonably Feasible or Practicable

That, under the circumstances, reasonable efforts have been undertaken to comply with the regulation, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance with the regulation.

Facade, Primary

Those portions of a building which are habitable residential space that faces and are most closely parallel to the front lot line. The entire area of a building face that extends from the roof to the ground and from 1 corner of the building to another. The front facade shall not include:

- a. Non-habitable spaces such as garages;
- b. Protrusions such as bay windows, chimney chases; and
- c. Porches, architectural entry features and entry stairs.

Family

One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit; provided that a group of 4 or more persons who are not within the second degree of kinship shall not be deemed to constitute a family. **(See Group Home)**

Notwithstanding the definition in the preceding paragraph, not more than 8 developmentally disabled persons and appropriate staff occupying a dwelling unit and living as a single, nonprofit housekeeping unit shall be deemed to constitute a family.

Family Care Home

A facility for child care in a place of residence of a family or person for the purpose of providing family care and training for a child under the age of 16 years who is not related to the head of such home. The term includes any family foster home receiving a child for regular 24 hour care and any home receiving a child from any state operated institution for child care or from any child placement agency, or any family child care home receiving a child for less than 24 hour care.

Farm Market

An area that is used by 1 or more operators of bona fide farms for the direct sale to consumers of agricultural products that are not grown or raised on the same premises as the market.

Financial Institution

Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. This classification includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. Accessory uses may include automatic teller machines, offices, and parking. Specific use types include, but are not limited to: **Automated Teller Machine; Bank; or Check-cashing Facility.**

Fitness and Recreational Sports Center

A facility primarily featuring equipment for exercise and other active physical fitness conditioning or recreational sports activities, such as swimming, skating, racquet sports, aerobic dance, gymnasium facilities, yoga, and other kinds of sports and fitness facilities.

Fleet Vehicle

A group of vehicles with a single owner, typically a company or corporation, rather than an individual or family. Examples are vehicles owned by a car rental company, construction company, or security company.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters; or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM)

The official map on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the Town.

Floodplain

The relatively flat or lowland area adjoining a river, stream, watercourse, ocean, lake, or other body of standing water which has been or may be covered temporarily by floodwater. For the purpose of this chapter, the "floodplain" is defined as the area that would be inundated by the base flood.

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodproofing

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Protection Elevation

~~An elevation 1 foot above the base flood elevation.~~

Flood Protection System

Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodway Fringe

That area of the floodplain, outside of the floodway, that would be inundated by the base flood.

Floodway (Regulatory Floodway)

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 4-0.5 foot in height.

Floor Area

The total square feet of floor space within the outside dimensions of a building, including each floor level, but excluding carports, garages, breezeways, porches, verandas, and balconies.

Food and Beverage Service

Food and Beverage Service businesses serve prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking. Specific use types include: **Bar/Tavern; Nightclub; Restaurant; Restaurant, with Drive-Through or Up Service; or Restaurant with Outdoor Seating.**

Foot-candle

A unit of measurement referring to illumination incident to a single point. 1 foot-candle is equal to 1 lumen uniformly distributed over an area of 1 square foot.

Freight or Truck Yard

An area or building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis. The use may include facilities for the temporary storage of loads prior to shipment. The use shall also include truck stops or fueling stations where diesel fuel is primarily sold.

Frontage

That portion of a lot, parcel, tract or block abutting upon a street or other right-of-way.

Fugitive Dust

Solid airborne particulate matter emitted from any source other than an opening which channels the flow of air contaminants and then exhausts the contaminants directly into the atmosphere. Fugitive dust also includes solid particles released into the atmosphere by natural forces or by mechanical processes, such as crushing, grinding, milling, drilling, demolishing, pulverizing, shoveling, conveying, covering, bagging or sweeping.

Fully Shielded

Shielded or constructed so that no light rays are emitted by the installed outdoor light fixtures at angles above the horizontal plane, as certified by a photometric test report.

Funeral Parlor or Mortuary

A place for the storage of deceased human bodies prior to burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Garage, Private

A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Garage, Tandem

A parking space within a group of 2 or more parking spaces arranged 1 behind the other.

Gas Station

See Service Station.

Gazebo

An accessory structure no larger than 150 square feet which may be covered by a roof and enclosed with screening intended to be used for outdoor living activities.

General Outdoor Recreation, Commercial

Intensely developed recreational uses such as amusement parks, miniature golf courses, batting cages, skateboard or skate parks or courses, bicycle motocross courses, water parks or slides, drive-in movie theaters, courses for paramilitary games, and archery facilities.

General Retail

A commercial enterprise that provides goods, products, or materials directly to the consumer. This includes uses such as art galleries, appliance stores, bakeries, bookstores, clothing stores, food stores, grocers, caterers, pharmacies, florists, furniture stores, hardware stores, liquor stores, pet stores, toy stores, and variety stores. This use type shall not include restaurants, personal service establishments, convenience stores, or amusement establishments.

Geologic Hazards

Unstable or potentially unstable slopes, faulting, landslides, rock falls, flood, wildfire or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development.

Golf Course

A tract of land laid out with a course having 9 or more holes for playing the game of golf, including any accessory clubhouse, driving range, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not include miniature golf courses as a principal or accessory use, nor shall it include driving ranges that are not accessory to a golf course.

Golf Driving Range or Putting Course

A sports facility equipped with tee areas, distance markers, and related features for practicing golf and which may include a pro shop, snack bar, but excludes miniature golf courses.

Governmental Office

A building occupied by a governmental agency that provides direct services to the public such as employment, public assistance, motor vehicle licensing and registration, and similar activities.

Grade

The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.

Greenhouse

A building or structure used for the growing of plants.

Group Home, Large

A group home (including halfway houses) for 9 or more persons.

Group Home, Residential

A group home that qualifies as 1 of 3 types of group homes declared to be residential uses and regulated by C.R.S. §30-28-115. Residential Group Homes include: **Community Residential Homes; Group Homes for the Aged; or Group Homes for the Mentally III.**

Group Home, Small

A group home (including halfway houses) for 8 or less persons that does not meet the definition of "Residential Group Home." Retirement Home, Nursing Home, or Assisted Living Facility.

Group Homes for the Aged

These homes accommodate not more than 8 persons over the age of 60 who do not need nursing facilities.

Group Homes for the Mentally III

These group homes are state licensed. They must accommodate not more than 8 persons and are for the exclusive use of persons with a mental illness as that term is defined in C.R.S. §27-10-102. Group Homes for the Mentally III do not include persons determined to be "not guilty" by reason of insanity to a violent offence nor persons convicted of a felony involving a violent offense.

Group Living

This category is characterized by residential occupancy of a structure by a group of people who do not meet the definition of "Household Living." Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. Specific use types include, but are not limited to: **Dormitory; Group Home, Residential; Group Home, Large; or Group Home, Small.**

Hazardous Materials

Those chemicals or substances which are physical or health hazards as defined and classified in the Fire and Building Codes. Hazardous materials categories include explosives and blasting

agents, compressed gases, flammable and combustible liquids, flammable solids, organic peroxides, oxidizers, pyrophoric materials, unstable (reactive) materials, water-reactive solids and liquids, cryogenic fluids, highly toxic and toxic materials, radioactive materials, corrosives, carcinogens, irritants, sensitizers and other health hazards. Each category is defined separately in the Fire and Building Codes in accordance with the Code of Federal Regulations Title 29 and other nationally recognized standards.

Hazardous Materials Handling and Transfer Facility

A facility for the treatment, storage, transfer or disposal of hazardous materials.

Heavy Equipment Sales, Service, and Rental

A facility that is engaged in the sales, repair or rental of heavy equipment including, but not limited to, tractors, semi-trucks or trailers, harvesters, loaders and all tracked vehicles.

Heavy Manufacturing, General

The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment; or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards; or that otherwise do not constitute "light manufacturing," or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds 25 percent of the floor area of all buildings on the lot. Examples include, but are not limited to: battery manufacture, bottling works, production of dairy products, foundry casting, concrete batching, and plastic products manufacturing.

Hedge

A fence or boundary formed by a dense row of shrubs or low trees.

Height

See Building Height.

Heliport

Any landing area used by helicopters which, in addition, includes all necessary passenger and cargo facilities, maintenance and overhaul, fueling, service, storage, tie down areas, hangars, and other necessary buildings and open spaces.

Helistop

Any landing area used for the landing and taking off of helicopters for the purpose of picking up or discharging of passengers or cargo without fueling, refueling, or service facilities.

Historic Structure

Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. By an approved state program as determined by the secretary of the interior; or
 - ii. Directly by the secretary of the interior in states without approved programs.

Home Occupation

An occupation or activity which is clearly incidental and secondary to use of the premises as a dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Homeowners' Association (HOA)

An incorporated, nonprofit organization operating under recorded land agreements through which:

- a. Each lot or homeowner in a planned unit development or other described land area is automatically a member;
- b. Each lot is automatically subject to charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property; and
- c. Such charge, if unpaid, becomes a lien against the property.

Horse Stables

Any area wherein a horse, mule, llama or donkey is maintained for either public commercial hire or private non-commercial recreation.

Hospital

An institution providing health services primarily for human inpatient medical or surgical care including trauma centers for the sick or injured and including related facilities such as laboratories, outpatient departments, training and central services facilities and staff offices.

Hotel or Motel

A building or a group of buildings primarily containing guest rooms for sleeping purposes, but also including accessory dining areas, meeting rooms, and recreational facilities. A motel is typically arranged so that individual guest rooms are directly accessible from an automobile parking area.

Household Living

This use category is characterized by residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis (lodging where tenancy may be arranged for a period of less than 30 days is classified under the "Public Accommodation" category). Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants' vehicles. Home Occupations and Accessory Dwelling Units are accessory uses that are subject to additional regulations (see Section 2.3, Accessory Uses and Structures). Specific use types include, but are not limited to: **Dwelling, Duplex; Dwelling, Live/Work; Dwelling, Mobile Home; Dwelling, Multi-Family; Dwelling, Single-Family Attached; Dwelling, Single-Family Detached; Mobile Home Park; or Model Home.**

Human Health Services

Human Health Services uses are characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, deformity, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include, but are not limited to: **Dental or Medical Office, Clinic, or Laboratory; Hospital/ Substance Abuse Treatment Facility, Outpatient; or Urgent Care Facility.**

Human Scale

The proportional relationship of a particular building, structure, or streetscape element to the human form and function. "Human scale" often refers to the subjective objective that the relationship between a person and his natural or man-made environment should be comfortable, intimate, and contribute to the individual's sense of accessibility.

Improvement

Any man-made, immovable item which becomes part of, is placed upon or is affixed to real estate.

Industrial, Heavy

A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industrial, Light

A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Industrial Service

Industrial Service firms are engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and similar uses perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, parking, and storage. Specific use types include, but are not limited to: **Building Materials and Lumber Sales; Contractor's Shop or Storage Yard; Heavy Equipment Sales, Service, and Rental; Industrial, Heavy; Industrial, Light; Light Equipment Sales, Service; or Research and Development Facility.**

Infill Development

The development of vacant or partially developed parcels which are surrounded by or in close proximity to areas that are substantially or fully developed.

Infrastructure

Those man-made structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems, solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.

Inhabitant

A person who dwells and is domiciled in a place, as distinguished from a transient lodger or visitor.

Irrigation Ditch or Lateral

A channel designed to transport irrigation water.

Junk or Salvage

Used machinery, scrap, iron, steel, other ferrous and nonferrous metals, tools, implements or portions thereof, glass, plastic, cordage, building materials, or other waste that has been abandoned from its original use and may be used again in its present or in a new form.

Junkyard

Used machinery, scrap, iron, steel, other ferrous and nonferrous metals, tools, implements or portions thereof, glass, plastic, cordage, building materials, or other waste that has been abandoned from its original use and may be used again in its present or in a new form.

Keeping of Large Animals

Areas, buildings, or structures secondary to a principal residential use for the boarding of horses, mules, llamas or donkeys for the private, non-commercial benefit of the property owners.

Kennel

An establishment where domesticated animals are kept, sold, boarded, bred, groomed, or trained, typically with fenced or enclosed spaces, areas, or runs for individual animals. Kennels may be indoor only, or indoor/outdoor, depending on the zoning district in which they are located; see Table 3-1.

Landscape buffer

An area of landscaping separating 2 distinct land uses, or a land use and a public right-of-way, and acts to soften or mitigate the effects of 1 land use on the other.

Landscaping

The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment may also include the use of logs, rocks, fountains, water features and contouring of the earth.

Levee

A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System

A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Level of Service

An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on, and related to, the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

Library

A permanent facility for storing and loaning books, periodicals, reference materials, audio tapes, video tapes, and other similar media to Town residents. A library may also include meeting rooms, offices for library personnel, and similar support facilities.

Light Equipment Sales, Service

A facility that is engaged in the sales, repair or rental of light equipment including.

Light Manufacturing, General

The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building; or where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing does not exceed 25 percent of the floor area of all buildings on the lot. Examples include, but are not limited to: book bindery, frozen foods locker, and electronics assembly.

Light Source

Includes neon, fluorescent or similar tube lighting, the incandescent bulb (including the light producing elements therein) and any reflecting surface that, because of its construction or placement, becomes in effect the light source.

Limited Solid Material Fence

All fences, which have 50 percent or less solid material will be considered "limited solid material fences". Example: chain link or split rail fences.

Live-Work Unit

A dwelling unit combining a residential use with a non-residential use permitted in the zoning district in which the dwelling unit is located with at least 1 person residing in the residential dwelling unit being employed on the premises.

Loading Berth

An off-street space where an automotive vehicle can be parked for loading or unloading.

Lodging Establishment

See hotel/motel.

Logo

A graphic symbol or emblem which conveys a recognizable meaning, which symbol or emblem may include script (words) provided that such script is contained entirely within the boundaries of

the symbol or emblem; and script alone, or outside of the boundaries of the symbol or emblem, whether registered as a trademark or not, is not included within the meaning of the term logo.

Lot

A designated parcel, tract, or area of land established by a plat or other means as permitted by law, which is to be used, developed, or built upon.

Lot, Corner

A lot bound by 2 streets which intersect, with possible access to either or both streets.

Lot, Double Frontage

A lot in which both the front lot line and rear lot line abut a street or other right-a-way.

Lot, Flag

A lot for which a street is accessed by an extended driveway, often shared with an adjacent lot, such that conceptually the driveway appears to be a flagpole, and the lot the flag.

Lot, Interior

A lot other than a corner lot.

Lot, Triple Frontage

A lot which is bounded on 3 sides by a street, thereby presenting a possible access point to the lot from any 1 of those streets.

Lot Area

The total area, measured on a horizontal plane, included within lot lines.

Lot Area per Dwelling Unit

The number of square feet of lot area required per dwelling unit.

Lot Coverage

The amount (percent) of impervious coverage, including the surface parking and the building footprint.

Lot Depth

The average horizontal distance between front and rear lot lines.

Lot Line, Front

The property line dividing a lot from the right-of-way of the street. For a corner lot, the shortest street right-of-way line shall be considered as the front line. For a corner lot, double frontage lot or other questionable situations, the front lot line shall be established by the Director based upon architectural character of nearby properties, access and other appropriate considerations.

Lot Line, Rear

The property line opposite the front lot line.

Lot Line, Side

Any lot line other than a front or rear lot line.

Lot Size

The amount of horizontal (plan view) land area within lot lines

Lot Width

The distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line establishing the lot depth at the established building setback line.

Lowest Floor

The lowest floor of the lowest enclosed area (including basement or crawlspace). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manor Home

A building having accommodations for 3 or more families living independently of each other that is designed to look like a large single family home.

Manufactured Home

A structure, transportable in 1 or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle.

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into 2 or more manufactured home lots for rent or sale.

Manufacturing and Production

This use category includes firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Custom industry is included (i.e., establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment). Goods are generally not displayed or sold on-site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters. Specific use types include, but are not limited to: **Heavy Manufacturing, General; Light Manufacturing, General; or Mining and Mineral Extraction.**

Maximum Extent Reasonably Feasible or Practicable

No feasible or practicable and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken.

Mean Sea Level

For purposes of the national flood insurance program, the North American vertical datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

Minimum Lot Area

The total area within the property lines of the lot, excluding adjacent right-of-ways.

Mining and Mineral Extraction

The extraction of minerals, including solids like coal and other ores, from their natural occurrences on affected land.

Mini-Warehouse/Self Storage

A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers' goods or wares.

Minor Subdivision

The division of land which creates four or fewer lots.

Mixed-Use

The development of a lot, tract or parcel of land, building or structure with 2 or more different uses including, but not limited to, residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.

Mobile Home

A transportable, single-family dwelling unit built on a permanent chassis with attached undercarriage consisting of springs, axles, wheels and hubs, and which is suitable for year-round occupancy and contains the same water supply, waste disposal and electrical conveniences as immobile housing. A mobile home is designed to be transported on streets to the place where it is to be occupied as a dwelling unit and may or may not be attached to a permanent foundation.

Mobile Home Park

A residential development that consists of mobile homes that are transported to the park site.

Model Home

A dwelling unit temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental in a particular subdivision or other residential development approved by the Town. Model homes may also incorporate sales or rental offices for dwelling units within the development.

Mulch

Any organic material such as leaves, bark, wood chips, straw, or inorganic material such as crushed stone or gravel, or other materials left loose and applied to the soil surface for the beneficial purpose of reducing evaporation.

Museum

A permanent facility for the collection and public display of artwork including, but not limited to, paintings, sculpture, textiles, and antiquities. Support facilities include office space, restoration facilities, parking and storage areas.

Native Vegetation

Any plant identified in the Erie Native Plants list: Plant Characteristics and Wildlife Value of Commercial Species, prepared by the Town's Natural Resources Department, updated February 2003 and as amended.

Neighborhood Recreation Center (Indoor/Outdoor)

A building, structure, or facility available for recreational clubs and activities. Such uses commonly include tennis courts, swimming pools, restaurants for members and guests only, and gymnasiums. Such uses may be either public or private, but typically are intended only for the residents and guests of a particular residential development or neighborhood.

New Construction

For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the town.

Night Club

An establishment that stays open late at night and typically serves food and liquor, and provides music and space for patrons to dance.

Non-Concealed Building-Mounted Antennae and Towers

Any tower, pole, or similar structure attached to a building that supports telecommunications antennae.

Non-Concealed Freestanding Towers

Any structure that is designed and constructed primarily for the purpose of supporting 1 or more antennae, including guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular teleph1 towers, alternative tower structures, and the like.

Nonconforming Building

A building or portion thereof legally built prior to the effective date of this UDC or any amendment thereto, which does not conform with the regulations of the district in which it is located.

Nonconforming Structure

A structure which was lawful and nonconforming under prior law on the day before the effective date of this UDC or subsequent amendment thereof.

Nonconforming Use

Either a use which was lawful and nonconforming under prior law on the day before the effective date of this UDC or subsequent amendment thereof, or with respect to lands newly annexed, a use which was lawful immediately before annexation but which does not conform to the use regulations for the zone district in which such use is located either at the time of annexation or as the result of subsequent amendments to this UDC.

Nonconformities

A nonconforming use, structure or building.

Office

Office uses are characterized by activities generally focusing on business, professional, insurance, or financial services. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include, but are not limited to: **Office, Business or Professional; or Recording or Broadcasting Studio.**

Office, Business or Professional

The office of an engineer, dentist, doctor, attorney, real estate broker, insurance broker, architect or other similar professional persons; and any office used primarily for accounting, correspondence, research, editing, or administration.

Off-Street Loading Space

A space located outside of a public street or alley for the discharge of passengers, or a space directly accessible to the building it serves for bulk pickups and deliveries by delivery vehicles.

Off-Street Parking Area

Any parking area located wholly within the limits of 1 or more lots.

Off-Street Parking Space

The space required to park a passenger vehicle which is not located on the street.

Oil and Gas Well

A well, the principal production of which at the mouth of the well is either oil or gas.

Oil and Gas Well, Production Facilities

All storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flowline, and other equipment directly associated with oil wells, gas wells, or injection wells.

Oil and Gas Well Flowlines

Those segments of pipe from the wellhead downstream through the production facilities ending at:

- a. In the case of gas lines, the gas metering equipment, or
- b. In the case of oil lines, the oil loading point or LACT unit, or
- c. In the case of water lines, the water loading point, the point of discharge to a pit, or the injection well head.

Oil and Gas Well Gathering Lines

A pipeline which transports natural gas beyond leasehold gas metering equipment to a compressor facility, processing plant or interstate pipeline connection.

Oil and Gas Well Pipelines

Flowlines and gathering lines for oil and gas wells.

Old Town

An area in the Town of Erie with the following boundary: Evans Street on the north, Coal Creek on the east, Union Pacific Railroad on the south, and County Line Road on the west.

Open Space

An area that is not developable due to environmental constraints or on which development has been limited for aesthetic, environmental, or recreational purposes.

Orient

To bring in relation to, or adjust to, the surroundings, situation or environment; to place with the most important parts facing in certain directions; to set or arrange in a determinate position: to orient a building.

Outdoor Amphitheater, Public

An outdoor stadium, theater, amphitheater or similar structure operated by the Town or other unit of government.

Outdoor Display and Sales

Outdoor display of goods or materials for sale, accessory to a commercial principal use. Merchandise may be directly available to the consumer for purchase.

Outdoor Recreational Vehicle Storage

An unroofed, controlled access, fenced area designated for the keeping of recreational vehicles including but not limited to motorized homes, travel trailers, boats, campers, and the associated devices utilized to convey said vehicles.

Outdoor Storage

Outdoor storage, but not display for sale, of goods or materials accessory to a commercial principal use. Merchandise shall not be directly available to the consumer without the assistance of an employee.

Owner

Any person whose name appears on the tax bill for the property or who, alone or jointly or severally with others, has legal title to any dwelling unit, with or without actual possession thereof, or has charge, care or control of any dwelling unit as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or assignee of rents. Owner shall not include any person, group of persons, company, association or corporation who holds only a security interest or easement on the rental property upon which the dwelling unit is situated.

Park

An area open to the general public and reserved for recreational, educational or scenic purposes.

Park and Open Space

Park and Open Space uses focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking. Specific use types include, but are not limited to: **Athletic Fields and Courts; Community Garden; Open Space; Outdoor Amphitheater, Public; or Park.**

Parking Area, Shared Assemblage

A parking lot that is constructed on 2 or more separate but adjacent properties designed for joint use by the businesses or residents of the properties.

Parking Lot

An area, not within a building, where, as a principal use, motor vehicles may be parked for purposes of daily or overnight off-street parking.

Parking Space

A rectangular area not less than 9.0 feet wide by 18 feet deep, along with maneuvering and access space necessary to park within the rectangle.

Parking Structure

A structure or facility where, as a principal use, motor vehicles may be stored for purposes of temporary, daily, or overnight, off street parking. The facility may be above, below, or partially below ground. Includes parking garages and parking decks.

Paved Patio or Terrace

A relatively flat area, that is at ground level, adjacent to a building that is covered in a paving surface.

Pedestrian Scale (Human Scale)

The proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

Permit

A document issued by the Town of Erie, Colorado, granting permission to perform an act or service which is regulated by the Town.

Permitted Use

A use permitted by right, without special conditions other than those imposed upon other uses by right in the district.

Personal Service Establishment

A business that provides individual services related to personal needs directly to customers at the site of the business, or that receives goods from or returns goods to the customer, which have been treated or processed at that location or another location. This includes travel agencies, dry cleaning pick-up and drop-off, laundries, tailors, hair stylists, cosmeticians, toning or tanning salons, photocopy centers, shoe repair shops, and interior design studios. This shall not include gas stations, service stations, Commercial Indoor/Outdoor Recreation uses, dry cleaning plants or massage therapy establishments.

Planned Unit Development

A project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses, or industries and associated uses, planned as a single entity and therefore subject to development and regulation as 1 land-use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional open space for the mutual benefit of the entire tract; and is designed to provide variety and diversity through the variance of normal zoning and subdivision standards so that maximum long-range benefits can be gained, and the unique features of the development or site preserved and enhanced while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing.

Plat, Final

A map of land hereon described and prepared as an instrument for recording with the County Clerk which depicts the boundaries of real estate interests.

Plat, Preliminary

The preliminary map or maps of a proposed subdivision, drawn and submitted in accordance with the requirements of these regulations.

Playhouse

An accessory structure for the use of children with a maximum height of 12 feet and an area not to exceed 120 square feet.

Porch

A roofed platform that is enclosed only by a parapet or railing, and which is attached to the principal structure.

Pre-Application Conference

An informal conference with Staff at which a map or maps of a proposed subdivision along with supporting materials are presented, prepared by the Applicant in accordance with the requirements of the Regulations, to evaluate feasibility and design characteristics at an early stage in the subdivision process.

Premises

A general term which means part or all of any lot, parcel or tract, or part or all of any building or structure or group of buildings or structures located thereon.

Principal Use

The main use of land or of a structure as distinguished from a subordinate or accessory use.

Private Utility

Any utility other than a municipally owned and operated utility, including telephone, electric and gas utilities, and other privately owned and operated utilities.

Produce Stand

A structure or area devoted to the small scale retail or wholesale sales of agricultural goods or products which have been grown on the same site or property as the stand.

Property Line

The boundary of any lot, parcel or tract as the same is described in the conveyance of such property to the owner; and does not include the streets or alleys upon which the said lot, parcel or tract abuts.

Public Facilities

Mean transportation systems or facilities, parks and recreation or natural area program systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric utilities, gas utilities, cable facilities or other public utilities.

Public Hearing

A meeting called by a public body for which public notice has been given and which is held in a place at which the general public may attend to hear issues and to express their opinions.

Public Improvements

Public or privately owned infrastructure within public land or dedicated right-of-ways or easements.

Public Safety Station

A use designed to protect public safety and provide emergency response services, often located in or near the area where the service is provided. Employees are regularly present on-site. Accessory uses include offices and parking. Examples include fire stations, police stations, and emergency medical and ambulance stations.

Public Use

Any use intended to be conducted in a facility or upon land which is owned by and operated for public use by school districts or by town, county, state or federal governments.

Public Utility Services

Equipment, structures and activities related to the provision of public utility services including, but not limited to, water, waste water, storm water, gas, electrical, wire communication services, including poles, antennas, transmitters, wires, mains, hydrants, drains, pipes, conduits and cables; equipment structures and activities related to the provision of transportation, police and fire protection services, including, but not limited to, traffic control signals and signs, street lights, fire-alarm and assistance call boxes; and other similar equipment, structures and activities in connection therewith which are reasonably necessary for the furnishing of adequate service by such governmental or public utilities for the public health, safety, and general welfare. Facilities

for the treatment, production, generation and administration, operation and maintenance of such services, and facilities for wireless communications, are not included in this definition.

Public Works Facility

Town owned facility used for administration, operation, storage or maintenance services related to the transportation, parks, open space and recreation infrastructure of the Town. Maintenance or storage facilities that are accessory to parks and opens space are not included in this definition.

Quarters for Caretaker/Guard

An accessory dwelling on a nonresidential property occupied by the person who oversees or guards the operation.

Racetrack

A measured course where animals or machines are entered in competition against 1 another or against time, including tracks used only in the training of animals.

Recreational Vehicle

A vehicular unit other than a mobile home, which is designed as a temporary dwelling unit for travel, recreational and vacation use, and which is either self-propelled, mounted on or pulled by another vehicle. Examples include, but are not limited to, travel trailer, camping trailer, truck camper, motor home, fifth-wheel trailer or van.

Recreational Vehicle Park

A parcel of land providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging.

Recreation and Entertainment, Indoor

Indoor Recreation and Entertainment uses provide recreation or entertainment activities within an enclosed environment. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. Specific use types include, but are not limited to: **Adult Amusement or Entertainment; Commercial Amusement; Fitness and Recreational Sports Center; Shooting Range, Indoor; or Sports Arena.**

Recreation and Entertainment, Outdoor

Outdoor Recreation and Entertainment uses provide recreation or entertainment activities outside of an enclosed environment. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. Specific use types include, but are not limited to: **Amusement Park; Campground; General Outdoor Recreation, Commercial; Golf Course; Golf Driving Range or Putting Course; Racetrack; Recreational Vehicle Park; Shooting Range, Outdoor.**

Recycling Center

A facility in which recoverable resources such as newspapers, glassware, plastics, and metal cans are recycled, reprocessed, and treated to return such products to a condition in which they can again be used for production. This facility is not a junkyard or salvage yard.

Recycling Collection Point

A center or collection point with containers or facilities designed and intended for the depositing of clean, separated, and recyclable paper, cardboard, metal, glass, plastic or other recyclable materials and the collection of such materials for processing at another location, but itself having no mechanical facilities for the processing of such materials.

Redevelopment

The intensification of use of existing underutilized buildings or development sites, building rehabilitation, or removal or demolition of existing buildings, followed promptly by construction of replacement buildings.

Religious Assembly

Religious Assembly facilities are used primarily for non-profit purposes to provide assembly and meeting areas for religious activities. Accessory uses include parking, caretaker's housing, buildings ancillary to a religious function, pastor's housing, and group living facilities such as

convents. Examples include churches, temples, synagogues, and mosques. Accessory uses do not include schools, which shall require approval as a separate primary use.

Repair Shop

The maintenance and rehabilitation of appliances customarily used in the home including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners, and hair dryers.

Research and Development Facility

Research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, or sale of products.

Reservation

An agreement between parties which obligates a property owner to keep property free from development for a stated period of time.

Residential Development Parcel

Encompassing an entire development property zoned for residential uses in its configuration before subdivision.

Restaurant

An area or structure in which the principal use is the preparation or sale of food and beverages. Operations may or may not include outdoor seating areas or outdoor food service, depending on the zoning district in which they are located; see Table 3-1.

Restaurant, with Drive-Through or Up Service

An eating/drinking establishment in which the principal business is the sale of foods or beverages to the customer in a ready-to-consume state and in which the design or method of operation of all or any portion of the business allows food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

Restaurant, with Outdoor Seating

A restaurant with tables on the sidewalk in front or on the sides of the premises.

Retail Sales and Service

Retail Sales firms are involved in the sale, lease or rent of new or used products to the general public. No outdoor display is permitted unless specifically authorized by this UDC. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale. Specific use types include, but are not limited to: Convenience Store; Farm Market; Funeral Parlor or Mortuary; General Retail; Personal Service Establishment; Repair Shop; or Shopping Center.

Right-Of-Way

That portion of land dedicated to public use of a street, path, street trees, and /or utility purposes.

Roof

The cover of any building, including the eaves and similar projections.

Roofline

The point on any building where an exterior wall or any parapet wall encloses usable floor space, including floor area for housing mechanical equipment.

Runway Protection Zone ("RPZ")

The RPZ is defined by the Federal Aviation Association as a trapezoid-shaped area centered about the extended runway centerline that is used to enhance the safety of aircraft operation. It begins 200 feet beyond the end of the runway or area usable for takeoff or landing. The RPZ dimensions are functions of the design aircraft, type of operation, and visibility minimums for the particular runway. The depth of the RPZ can vary from 1,000 feet for runways less than 4,000 feet to 2,500 feet for runways 6,000 feet or longer.

Sanitary Landfill

A discrete area of land or an excavation for which the final disposal of solid waste employs a method to obtain the most dense volume practicable of the waste and covering with earth or other suitable material. A sanitary landfill may receive household waste, community waste, municipal solid waste, commercial waste, and industrial waste.

School (Public or Private)

An accredited school under the sponsorship of a public, private, or religious agency, having a curriculum generally equivalent to public elementary or secondary schools, not including commercial schools.

Service Station

Any premises where gasoline and other petroleum products are sold or light maintenance activities such as engine tune-ups, emissions testing, lubrication, minor repairs, and carburetor cleaning are conducted. Accessory activities may include automatic car wash and convenience items sales. Service stations shall not include premises where heavy motor vehicle maintenance activities such as engine overhauls, motor vehicle painting, and body fender work are conducted. Fuel dispensing may be performed by an employee of the establishment (full-service) or by the customer (self-service).

Setback

A required area on the same lot or tract with a principal use that provides for light, air, building separation, and access for emergency personnel and equipment. A setback shall be unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this UDC. The depth of a setback is measured at right angles to the relevant property line.

Setback, Front

A setback that extends across the full frontage of a lot or tract on a public or private street. The front setback is defined by the front property line.

- a. In the case of rounded property corners at street intersections, the front setback is measured as if the corner is not rounded and the front property lines are extrapolated to intersect.
- b. In the case of corner or through lots, a front setback extends across all frontages.
- c. For cul-de-sac lots and lots abutting a curved street, the front setback follows the curve of the front property line.
 - i. The minimum lot width requirement shall be met at the front setback line.
 - ii. In no event shall the front lot line be less than 35 feet.
- d. In the case of flag lots, a front setback extends across the entire flag portion of the lot and includes the flagpole portion of the lot.
- e. In the case of a corner lot, through lot, or 3 sided lot, there will be no rear setbacks, but only front and side setbacks.

Setback, Rear

A setback that extends across the full rear of a lot or tract. The rear setback is defined by the rear property line.

Setback, Side

Any setback that is not a front or rear setback. Generally, side setbacks extend from the inner boundary of the front setback (or from the front property line of the lot or tract where no front setback is required) to the inner boundary of the rear setback (or to the rear property line of the lot or tract where no rear setback is required.) For corner and through lots, setbacks remaining after front setbacks have been established shall be considered side yards.

Sexually Oriented Business

Amusement entertainment that is distinguished or characterized by an emphasis on material depicting, describing or relating to specified sexual activities or specified anatomical areas. Uses shall include, but shall not be limited to, the following: **Adult Bookstore, Adult Photo Studio, and Adult Theater.**

Shared Parking

A public or private parking area used jointly by 2 or more users or uses to fulfill their individual parking requirements.

Shed

An accessory building of not more than 150 square feet in floor area and not more than 14 feet in maximum height.

Shooting Range, Indoor

A soundproof, enclosed building or part thereof, wherein firearms are shot at targets under strict rules of conduct and safety.

Shooting Range, Outdoor

An outdoor facility wherein firearms are shot at targets under strict rules of conduct and safety.

Shopping Center

A retail shopping area in excess of 30 acres (divided by no interior public streets) containing at least 1 major retail store of over 100,000 square feet of gross leasable area and additional retail area.

Sidewalk

An improved pedestrian surface that is typically located adjacent to a street.

Sight Distance Triangle

The area required to be clear of obstructions at the intersections of streets, highways, railroads, alleys and driveways. See the Town of Erie Standards and Specifications for Design and Construction of Public Improvements.

Sign

Any object or device or part thereof situated outdoors or indoors which is used to advertise or identify an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination, or projected images. Signs do not include:

- a. Flags of nations, or organizations of nations, or states and cities, or fraternal, religious, or civic organizations;
- b. Merchandise, pictures or models of products or services incorporated in a window display;
- c. Time and temperature devices not related to a product;
- d. National, state, religious, fraternal, professional and civic symbols or crests.

Sign, Development Identification

A monument sign which, by means of symbol or name, identifies a residential development, shopping center, commercial/business/office/industrial park, or other development that may contain a mixture of uses.

Sign, Ground

A freestanding sign that is mounted on poles or braces.

Sign, Maintenance

The replacing, repairing or repainting of part of a sign structure; periodic changing of bulletin board panels; or renewing of copy made unusable by ordinary wear and tear, weather or accident. The replacing or repairing of a sign or sign structure damaged to an extent exceeding 50 percent of the appraised replacement cost (as determined by the building official) shall be

considered as maintenance only when said sign conforms to all of the applicable provisions of this UDC and when the damage has been caused by an act of God or violent accident.

Sign, Monument

A low profile freestanding sign that is placed on a solid base.

Sign, Nameplate

A sign identifying, by name only, the occupant of a building or office.

Sign, Projecting

A sign that projects from a wall and is supported by a wall.

Sign, Projection

A sign that is wholly or partly dependent upon a building for support and which projects horizontally more than 12" from such building.

Sign, Wall

A sign fastened to or painted on a wall of a building or structure in such a manner that the wall is the supporting structure for or forms the background surface of the sign and which does not project more than 12" from such building or structure.

Site Plan

A plot of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

Special Review Use

A use permitted in a zoning district only if reviewed and approved as a special use in accordance with the procedures of Section 7.13.

Specimen Trees

Trees species identified in the Town "Standards and Specifications for Design Construction of Public Improvements" that meet Subsection 6.2.C.6 of this UDC.

Sports Arena

An officially designated area for indoor sports or entertainment.

Stacked Tri-plex/Quad-plex

A building having accommodations for 3 or 4 families living independently of each other with 1 or more of the dwelling units on a second or higher story.

Staff

Any person or persons, whether publicly or privately employed who provides administrative, planning, engineering or other services to or for the Town.

Start of Construction

Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stoop

Platform or stairs in front of a door.

Story

See Height.

Street

Any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or other way for the movement of vehicular traffic which is an existing state, county or municipal roadway, or a street or way shown upon a plat, heretofore or hereafter dedicated and which includes the land between right-of-way lines, whether improved or unimproved, and may be comprised of pavement, shoulders, gutters, sidewalks, parking areas and other areas within the right-of-way.

Street, Private

A right-of-way or easement of private ownership not dedicated or maintained as a public street, which affords the principal means of access to 2 or more sites.

Street Tree

A tree typically planted along public or private streets and drives to provide shade to reduce heating of pavements, and to provide spatial definition and visual enhancement.

Structurally Altered

Changes which increase, extend, or enlarge the building or convert the existing building into a different structure or affect the form or character of an existing building or structural quality.

Structure

A walled and roofed building or manufactured home that is principally aboveground.

Subdivider or Developer

Any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

Subdivision

Any undivided parcel of land which is proposed to be divided and used for multiple residential dwelling units, industrial uses, or commercial activity. It also may be land which was previously subdivided and the filing accompanying such subdivision complied with Town regulations; or the division of a lot, tract, or parcel of land into 2 or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. Unless the method of disposition is adopted for the purpose of evading this article, the terms "subdivision" and "subdivided land", as defined in these Regulations above, shall not apply to any division land which:

- a. Is created by order of any court in this State or by operation of law;
- b. Is created by a lien, mortgage, deed of trust, or any other security instrument;
- c. Is created by security of unit of interest in any investment trust regulated under the laws of this State or any other interest in and investment entity;
- d. Creates cemetery lots;
- e. Creates an interest in oil, gas, minerals, or water which are now or hereafter severed from the surface ownership of real property; or
- f. Is created by the Acquisitions of an interested in land in the name of a husband and wife or other persons in joint tenancy, or as tenants in common and any such interest shall be deemed for purposes of this Subsection as only 1 interest.

Substance Abuse Treatment Facility, Outpatient

Structures and land used for the treatment of alcohol or other drug abuse where neither meals nor lodging is provided.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. This term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Swimming Pool

Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

Tenant Frontage

The horizontal, linear dimension of that side of a building in which a tenant occupancy abuts a street, private drive, parking areas or pedestrian plazas.

Telecommunication Facilities

Telecommunications facilities transmit analog or digital voice or communications information between or among points using electromagnetic signals via antennas, microwave dishes, and similar structures. Supporting equipment includes buildings, shelters, cabinets, towers, electrical equipment, parking areas, and other accessory development. Specific use types include: **Antenna Collocation of Existing Tower; Concealed Antennae and Towers; Non-Concealed Building-Mounted Antennae and Towers; or Non-Concealed Freestanding Towers.**

Towing and Storage Facility

A commercial establishment engaged in towing of vehicles or equipment from 1 location to another. Such facilities may also include an indoor or outdoor storage component for such vehicles or equipment, but may not include junked, salvage, or permanently inoperable vehicles or equipment.

Town

The Town of Erie, Colorado.

Town Administrator

The administrative official appointed by the Board of Trustees to administer the provisions of the UDC or the person designated by the Town Administrator.

Tract

A tract is a legally defined parcel of land on a plat that will not have residential, commercial, or industrial buildings located on them.

Trailer

Any wheeled vehicle, without motive power and having an empty weight of more than 2,000 pounds, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways.

Transit Center

An area utilized by public or commercial carriers for pick-up or drop-off of passengers. In addition to loading and unloading areas, transit centers may include shelters, restrooms, concessions, benches, information offices, ticket sales, landscaping, lighting and other such facilities and appurtenances. Individual bus stops, maintenance and storage facilities are not included in this definition.

Tree Lawn

The area between the back of curb and sidewalk, primarily used for planting low groundcover and street trees.

Truck Stop

An establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers or restaurant facilities primarily for the use of truck crews.

Turf

A surface layer of earth containing mowed grass with its roots.

Urgent Care Facility

A medical center that provides limited emergency medical services that may not require 24-hour care.

Utility Facilities

Buildings, structures, or other facilities used or intended to be used by any private or non-governmental utility other than telecommunications facilities. (Public utility facilities are addressed separately under "Public Utility Services".) This category includes buildings or structures that house or contain facilities for the operation of privately owned water, wastewater, waste disposal, or electricity services. This use also includes water storage tanks; electric or gas substations, water or wastewater pumping stations, or similar structures used as an intermediary switching, boosting, distribution, or transfer station of electricity, natural gas, water, or wastewater. This category includes passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, water, sewage, or other similar services on a local level. Additionally, a private utility facility means any energy device or system that generates energy from renewable energy resources including solar, hydro, wind, biofuels, wood, geothermal, or similar sources. Accessory uses may include control, monitoring, data, or transmission equipment.

Utility Facility, Major

A service that is necessary to support development within the immediate vicinity and that involves significant structures. Employees typically are not located at the site. Examples include electric transformer stations, gas regulator stations, telephone exchange buildings, and well, water, and underground utility boxes, and sewer pumping stations.

Utility Facility, Minor

Small scale facilities serving a local area including power, water, and sewer lines.

Utility Facility, Town Owned

A utility facility owned and maintained by the Town

Variance

A legal modification of applicable zoning district provisions, such as yard, lot width, yard depth, sign, setback, and off-street parking and loading regulations, granted due to the peculiar conditions existing within a single piece of property.

Vehicle and Equipment

Vehicles and Equipment uses include a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage, offices, and sales of parts. Specific use types include, but are not limited to: **Car Wash; Service Station; Towing and Storage Facility; Vehicle Sales and Rental; Vehicle Service and Repair, Heavy; or Vehicle Service and Repair, Light.**

Vehicle Sales and Rental

The storage, display, sale, lease, or rental of new or used vehicles, including automobiles, vans, motorcycles, and light trucks. This use shall not include salvage operations or scrap operations.

Vehicle Service and Repair, Heavy

An establishment involved in the major repair and maintenance of automobiles, motorcycles, trucks, vans, trailers, or recreational vehicles. Services include engine, transmission, or differential repair, reconditioning or replacement; bodywork; upholstery work; painting; and associated repairs conducted within a completely enclosed building.

Vehicle Service and Repair, Light

An establishment involved in the minor repair and maintenance of automobiles, motorcycles, trucks, or vans not in excess of 10,000 pounds gross vehicle weight. Services include brake, muffler, and tire repair and change; lubrication; tune ups and associated repairs, conducted within a completely enclosed building.

Vested Property Right

The right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan.

Violation

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

Visitor Accommodation

For-profit facilities where lodging, meals, and the like are provided to transient visitors and guests for a defined period. Specific use types include: Bed and Breakfast; Boarding or Rooming House; Extended-Stay Lodgings; or Hotel or Motel.

Warehouse and Freight Movement

Firms involved in Warehouse and Freight Movement are engaged in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will call pickups. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas. Specific use types include, but are not limited to: **Freight or Truck Yard; Mini-Warehouse/Self Storage; or Wholesale Distribution Center.**

Waste and Salvage

Waste and Salvage firms receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and Salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products. Specific use types include, but are not limited to: **Auto Wrecking and Salvage Yard; Hazardous Materials Handling and Transfer Facility; Junkyard; Recycling Collection Point; Recycling Center; or Sanitary Landfill.**

Watercourse

A channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir, or lake in which storm runoff and floodwater flows either regularly or infrequently. This includes major drainage ways for carrying urban storm runoff.

Water Surface Elevation

The height, in relation to the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Wholesale Distribution Center

A permanent facility for the storage of products, supplies, and equipment offered for wholesale distribution (not for direct sale to the general public).

Yard

An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, Front

A yard extending across the front lot line between the side lot lines, and being the minimum horizontal distance between the front lot line and the front wall of any building.

Yard, Rear

A yard extending across the rear lot line between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building. The rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, Side

A yard between the main building and the side-line of the lot, and being the minimum horizontal distance between the building and the side lot line and extending from the front lot line to the rear lot line.

Zero Lot Line Development Plan

A development plan where 1 or more dwelling units (limited to single-family detached or single-family attached dwelling units) are placed on lots in such a manner that at least 1 of the dwelling units sides rests directly on a lot line, as measured from the outer edge of the dwelling units foundation at the ground line, so as to enhance the usable open space on the lot.

Zone District

A designated area of the Town within which certain zoning regulations and requirements, or various combinations thereof, apply as set forth in this UDC.

Zoning Map

The official zoning map adopted by the Town by ordinance, as amended.

Zoo

An area, building, or structures that contain wild animals on exhibition for viewing by the public.

C. Floodplain Overlay District (FPO)

1. Findings of Fact

The flood hazard areas of the Town are subject to periodic inundation which could possibly result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the overall tax base. All of which could collectively have an adverse affect on public health, safety and general welfare.

Such potential flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage may also contribute to the flood loss.

2. Purpose

To promote the public health, safety, and general welfare, to minimize flood losses in areas subject to flood hazards, and to promote wise use of the floodplain, this Section has been established with the following purposes intended:

- a. To reduce the potential hazard of floods to life and property through:
 - i. Prohibiting certain uses which may be dangerous to life or property during a flood.
 - ii. Restricting land uses which may be hazardous to the public health during a flood.
 - iii. Restricting land uses which are particularly susceptible to flood damage, so as to alleviate hardship and minimize demands for public expenditures for relief and protection.
 - iv. Requiring permitted floodplain uses, including public facilities which serve such uses, to be protected against flood by providing floodproofing and general flood protection at the time of initial construction.
 - v. Restricting or prohibiting uses which are known to be dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
 - vi. Requiring that uses vulnerable to floods, including facilities which serve such uses be protected against flood damage at the time of initial construction.
- b. To protect floodplain occupants from a flood which is or may be caused by their own or other land use and which is or may be undertaken without full realization of the danger, through:
 - i. The prohibition of residential uses from being platted in the floodplain.
 - ii. Regulating the manner in which structures designed for human occupancy may be constructed so as to prevent danger to human life within such structures.

- iii. Regulating the method of construction of water supply and sanitation systems so as to prevent disease, contamination and unsanitary conditions.
 - iv. Delineating and describing areas that could be inundated by floods so as to protect individuals from purchasing floodplain lands for purposes which are not in fact suitable.
 - v. Minimizing the need for rescue and relief efforts associated with flooding which are generally undertaken at the expense of the general public.
 - vi. Minimizing prolonged business interruptions.
 - vii. Ensuring that potential buyers in the area are notified that property is in an area of special flood hazard.
 - viii. Ensuring that those who occupy flood hazard areas assume responsibility for their actions.
- c. To protect the public from the burden of avoidable financial expenditures for flood control and relief by:
 - i. Regulating all uses within the floodplain areas so as to produce a method of construction and a pattern of development which will minimize the probability of damage to property and loss of life or injury to the inhabitants of the flood hazard areas.
 - ii. Minimizing damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
 - iii. Helping maintain a stable tax base by providing for the sound use and development in flood hazard areas and to minimize future flood hazard areas.
- d. To protect the flood water storage capacity of floodplains and to assure retention of sufficient floodway area to convey flood flows which can reasonably be expected to occur by:
 - i. Regulating filling, dumping, dredging, and alteration of channels by deepening, widening, or relocating.
 - ii. Prohibiting unnecessary and damage creating encroachments.
 - iii. Encouraging uses such as agriculture, recreation and parking.
 - iv. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood water elevations or velocities.
- e. To protect the hydraulic characteristics of the small watercourses, including the gulches, sloughs and artificial water channels used for conveying floodwaters, which make up a portion of the urban drainage system, by:

- i. Regulating filling, dumping, and channelization so as to maintain the natural storage capacity and slow flow characteristics.
- ii. ~~Prohibiting—Regulating~~ encroachment into the small watercourses to maintain their natural storage capacity and slow flow characteristics.
- iii. Encouraging uses such as greenbelt, open space, recreation, and pedestrian and non-motorized vehicle trails.
- iv. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters.
- v. Controlling filling, grading, dredging, and other development which may increase damage caused by flooding.
- vi. Preventing or regulating the construction of flood barriers which could divert floodwaters or which may increase flood hazards in other areas.

3. General Provisions

a. *Jurisdiction*

The provisions of this Section shall apply to flood hazard areas within the Town.

b. *Basis for Establishing the Areas of Special Flood Hazard*

The areas of special flood hazard identified by the Federal Emergency Management Agency ("FEMA") in a scientific and engineering report entitled, "The Flood Insurance Study For Boulder County Colorado and Incorporated Areas", dated December 218, 201204 with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps ("FIRM") and any letter of map revisions thereto, are hereby adopted by reference and declared to be a part of this Section.

c. *Effect of Floodplain Regulations*

The regulations of this Section shall be construed as being supplementary to the regulations imposed on the same lands by any underlying zoning district. This Section supersedes provisions of any zoning relating to floodplain. Any underlying zoning shall remain in full force and effect to the extent that its provisions are more restrictive than those of this Section.

d. *Interpretation*

The interpretation and application of the provisions of this Section shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by Colorado statutes.

e. *Warning and Disclaimer of Liability*

The degree of flood protection intended to be provided by this Section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods can and will occur upon occasion, or the flood height may be increased by manmade or natural causes, such as ice jams, and bridge openings restricted by debris. This Section does not imply that the areas outside the floodway district and floodway fringe district boundaries or land uses permitted within such districts will always be totally free from flooding or flood damage. This Section shall not create liability on the part of the Town, any officer or employee thereof, or the FEMA, for any flood damage that results from reliance on this Section or any administrative decision lawfully made hereunder.

f. Compliance with Provisions

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Section and other applicable regulations.

g. Abrogation and Greater Restrictions

This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

h. Letter Of Map Revision Based On Fill (LOMR-F)

Any new structure constructed in an area removed from the flood hazard area utilizing a LOMR-F shall be constructed on fill so that the lowest floor (including basement) is at least 1 foot above the previous base flood elevation.

i. Critical Facilities

A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulation for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

Critical Facilities constructed within flood hazard areas shall be constructed on fill so that the lowest floor (including basement), together with attendant utility and sanitary facilities, is at least 2 feet above the base flood elevation.

4. Floodway Districts and Mapping

a. Districts Established

In order to carry out the provisions of this Section, the areas of the 100-year flood are hereby divided into the following overlay zoning districts:

i. Floodway District (FW)

The FW shall be those areas identified as floodway in the flood insurance study. In areas outside of the boundaries of the flood insurance study, the FW shall be those areas identified as floodway in floodplain studies approved by the Town.

ii. Floodway Fringe District (FF)

The FF shall be those areas identified in the flood insurance study as being within the boundaries of the 100-year flood, but outside of the floodway. In areas outside of the boundaries of the flood insurance study, the FF shall be those areas identified in studies approved by the Town as being within the boundaries of the 100-year flood, but outside of the floodway.

b. Mapping of District Boundaries

The boundaries of the FW and the FF as established in Subsection 2.7.C.4.a above shall be shown upon the flood boundary-floodway map.

c. Interpretation of District Boundaries

The flood boundaries shall be established by flood elevations set forth in the flood insurance study. Where interpretation is needed of the exact boundaries of the FW and FF as shown in the flood insurance study, a survey shall be prepared by a licensed professional engineer or surveyor and submitted to the Town for review. If necessary, an elevation certificate along with other required documentation shall

be submitted by the applicant to FEMA for obtaining a Letter Of Map Amendment. the Planning and Zoning Commission shall make the necessary interpretation.

d. Amendment of District Boundaries

The boundaries of the FW and the FF district shall be changed on the zoning district map by the amendment procedure contained in the zoning title. Amendment of said district boundaries shall be subject to the following limitations:

- i. In areas within the boundaries of the flood insurance study, the flood boundaries shall be amended only to conform to changes previously approved by FEMA.
- ii. In areas outside of the boundaries of the flood insurance study, the boundaries of the FW and the FF district shall be changed only upon the presentation of evidence, prepared by a registered professional engineer competent in open channel hydraulics, which shows clearly and conclusively that the boundaries of the districts, as mapped, are incorrect.

5. Floodway Fringe District (FF)

a. Development Standards

All uses or development in the FF shall comply with the following requirements:

i. Permits

Development within a FF site shall only be permitted which is authorized by a floodplain development permit and one of the following; a building permit, a manufactured home permit or a Special Review Use.

For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.

ii. Certificate of Occupancy

No land shall be occupied or used and no building or manufactured home which is hereafter erected, placed, moved or structurally altered, shall be used or changed in use until the Chief Building Official or the Official's agent approves a Certificate of Occupancy stating compliance with the provisions of this Section.

iii. New Construction and Substantial Improvements:

(A) All new construction and substantial improvements (including the placement of prefabricated buildings and manufactured homes) shall:

- (1)** Be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads;
- (2)** Be constructed with materials and utility equipment resistant to flood damage; and

- (3) Be constructed by methods and practices that minimize flood damage.
- (B) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (C) Manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on sites:
 - (1) Outside of a manufactured home park or subdivision;
 - (2) In a new manufactured home park or subdivision;
 - (3) In an expansion to an existing manufactured home park or subdivision; or
 - (4) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home, together with attendant utility and sanitary facilities, is elevated to 1 foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (D) Manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions within zones A1-30, AH, and AE that are not subject to the provisions of Subsection (A).(C).(3) of this Section shall be elevated so that either:
 - (1) The lowest floor of the manufactured home, together with attendant utility and sanitary facilities, is at or above 1 foot above the base flood elevation; or
 - (2) The manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

iv. *Preservation of Channel Capacity*

No use shall adversely affect the capacity of the channels or floodways of any tributary to the main stream, any drainage ditch, or any other drainage system or facility. Original channel capacity must be maintained in an altered portion.

v. *Subdivisions and Other New Development*

All subdivisions and other new development shall meet the following requirements:

- (A) New residential lots shall not be platted in the FF.
- (B) All such activities shall be generally consistent with the need to minimize flood damage.
- (C) All public utilities and facilities, such as sewer, gas, electrical, and water systems, shall be located and constructed to minimize or eliminate flood damage.
- (D) Adequate drainage shall be provided to reduce exposure to flood hazards.
- (E) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).
- (F) The boundaries of the FW and FF district shall be shown upon preliminary and final subdivision plats. If a subdivision is located entirely within the FW or the FF district, that information shall be stated on the Preliminary and Final Plats.

vi. *Water and Sewage Systems*

New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

vii. *On-Site Waste Disposal Systems*

On-site waste disposal or treatment systems shall be located to avoid impairment to them or contamination from them during flooding.

viii. *Manufactured Homes*

All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Manufactured homes shall be placed in the FF only upon the issuance of a manufactured home permit. Such a permit shall require that the placement of the manufactured home for which it is issued meets the following conditions:

- (A) The manufactured home shall be placed on a designated manufactured home space in a manufactured home park.
- (B) The manufactured home shall be anchored to the ground in the following manner:
 - (1) Over the top ties shall be provided at each of the 4 corners of the home. Homes at least 50 feet long shall have 2 additional ties per side at intermediate locations, and homes under 50 feet long shall have 1 additional tie per side.
 - (2) Frame ties shall be provided at each corner of the home. Homes at least 50 feet long shall have 5 additional ties per

side, and homes under 50 feet long shall have 4 additional ties per side.

(3) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

(4) Any additions to the manufactured home shall be similarly anchored.

ix. *Establishment of ~~Development Permit~~Floodplain Development Permit*

A ~~development permit~~floodplain development permit shall be obtained before construction or development begins within any area of special flood hazard established in Subsection 2.7.C.3.b. Application for a ~~development permit~~floodplain development permit shall be made on forms furnished by the administrative official and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

(A) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

(B) Elevation in relation to mean sea level to which any structure has been floodproofed;

(C) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Subsection 2.7.C.5.b.ii below; and

(D) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

x. *Enclosures*

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(A) A minimum of 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

(B) The bottom of all openings shall be no higher than 1 foot above grade.

(C) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

xi. *Recreational Vehicles*

Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the Town's FIRM either:

- (A) Be on the site for fewer than 180 consecutive days,
- (B) Be fully licensed and ready for highway use, or
- (C) Meet the permit requirements of Subsection 2.7.C.5.a.ix, and the elevation and anchoring requirements for "manufactured homes" in Subsection 2.7.C.5.a.viii. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

xii. *Below Grade Residential Crawlspace Construction*

New construction and substantial improvement of any below grade crawlspace shall:

- (A) Have the interior grade elevation that is below base flood elevation no lower than 2 feet below the lowest adjacent grade;
- (B) Have the height of the below grade crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall, not to exceed 4 feet at any point;
- (C) Have an adequate drainage system that allows floodwaters to drain from the interior area of the crawlspace following a flood;
- (D) Be anchored to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads;
- (E) Be constructed with materials and utility equipment resistant to flood damage;
- (F) Be constructed using methods and practices that minimize flood damage;
- (G) Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
- (H) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (1) A minimum of 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided;

(2) The bottom of all openings shall be no higher than 1 foot above grade; and

(3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

b. Uses Permitted

Any use which is permitted by the underlying zoning district and those which involve fill, excavation, storage of materials or equipment, or construction or substantial improvement of a building or manufactured home park, is permitted upon approval of the necessary building permit, provided the use meets the requirements of Subsection A of this Section and the following requirements:

i. Residential Buildings

All new construction and substantial improvement of residential buildings shall be constructed on fill so that the lowest floor (including basement) together with attendant utility and sanitary facilities is at least 1 foot above the ~~flood-protection~~base flood elevation. The fill shall be at an elevation at least 1 foot above the ~~flood-protection~~base flood elevation and shall extend at that elevation at least 15 feet beyond the limits of any structure or building erected thereon.

ii. Nonresidential Buildings

All new construction or substantial improvement of nonresidential buildings shall have the lowest floor (including basement) together with attendant utility and sanitary facilities elevated 1 foot above the base flood elevation, or together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

iii. Certification

Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provision of this Subsection. Such certifications shall be provided to the official as set forth in Subsection 2.7.C.8.

c. Storage of Materials And Equipment

i. The storage or processing of materials that are buoyant, flammable, or which in times of flooding could be injurious to human, animal or plant life, shall be at or above a point 2 feet above the base flood elevation or in a building which has been floodproofed to a point 2 feet above the base flood elevation.

ii. The storage of materials or equipment which is not subject to major damage by floods and which are firmly anchored to prevent flotation or are readily removable from the flood hazard area within the time available after flood warning, may be permitted below the ~~flood-protection~~base flood elevation.

6. Floodway District (FW)

a. Special Provisions

The following regulations, in addition to the requirements of Subsection 2.7.C.5.a shall apply to all uses within the floodway district. Additionally, a regulatory floodway is hereby adopted to which the following provisions shall apply:

- i. No new construction, placement or substantial improvement of existing buildings or manufactured homes shall be permitted.
- ii. No filling or excavating shall be permitted.
- iii. Storage of materials which are buoyant, flammable, or explosive, or which in times of flooding could be injurious to human, animal, or plant life, is prohibited.
- iv. No use shall be permitted which would result in any increase in the base flood elevation.

b. *Uses Permitted by Right*

The following uses have low flood damage potential and, provided they do not obstruct flood flows, shall be permitted subject to the provisions of the underlying zoning and Subsection 2.7.C.5.a and Subsection 2.7.C.6.a above, provided they do not require structures, fill, excavation, or storage of materials or equipment:

- i. Agricultural uses such as general farming, truck farming, sod farming, plant nurseries, and horticulture.
- ii. Industrial and commercial uses such as loading areas, parking areas and airport landing strips.
- iii. Open space.
- iv. Private and public recreational uses such as parks, picnic grounds, golf courses, driving ranges, swimming areas, wildlife and nature preserves, fishing areas, and trails for hiking, bicycling and horseback riding.
- v. Residential uses such as lawns, gardens, parking areas and play areas.

c. *Special Review Uses Permitted*

The following uses which involve structures other than buildings, fill, or storage of materials or equipment may be permitted only upon the approval and issuance a Special Review Use permit:

- i. Circuses, carnivals, and similar transient amusement enterprises.
- ii. ~~Railroads, streets, bridges, dams, utility transmission lines and pipelines.~~
- iii. ~~ii.~~ Storage yards for equipment, machinery or materials, as long as such storage does not conflict with the provisions of Subsection 2.7.C.5.a.

d. *Provisions within Floodways*

Located within areas of special flood hazard established in Subsection 2.7.C.3.b are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potentials, the following provisions apply:

- i. Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a Colorado licensed, registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- ii. If Subsection 2.7.C.6.d.i above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section.

7. Special Review Use Permits

a. Purpose

Certain uses may have an adverse impact when located in the floodplain because of their effect upon floods or because of the effect of flood upon them. The intent of the Special Review Use permit is to provide the means for review of such uses to assure that the purposes of this Section are met and the potential for adverse effects is minimized.

b. Authority to Grant a Special Review Use

At a public hearing, the Board of Trustees, after review and recommendation by the Planning Commission, shall hear and decide all requests for Special Review Use permits and construction application within the 100-year floodplain in the manner prescribed by this Section.

c. Conditions for Authorizing Construction Under a Special Review Use Permit

i. Exceptions

Authorizations for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places may be issued without regard to the procedures set forth in the remainder of this Section.

ii. Restrictions and Limitations on Issuance

(A) Special Review Use permits shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(B) Authorization shall be issued only upon a determination that the same is the minimum necessary, considering the flood hazard, to afford relief.

(C) Authorization shall only be issued upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the authorization would result in exceptional hardship to the applicant; and

(3) A determination that the granting of an authorization will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

~~(D) Increase in Flood Insurance: If the granting of an authorization for construction in the floodway fringe area would result in the lowest floor elevation of the structure being below the base flood elevation, the applicant to whom the authorization is granted shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.~~

~~(E)~~(D) _____ Lot Size: Generally, Special Review Use permits may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided Subsection 2.7.C.9.c have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justifications required for issuing the Special Review Use permits increase.

8. Administration of Provisions

a. Duties of Administrative Official

Duties and responsibilities of the Public Works Director (i.e. Administrative Official) in carrying out the provisions of this Section shall include, but not be limited to, the following:

- i. The review of permits for proposed development to determine whether proposed building sites will be reasonably safe from flooding by a 100-year flood.
- ii. The review of permits for proposed development to assure that the permit requirements of this Section have been satisfied and that all necessary permits have been obtained from those federal, state or local agencies from which prior approval is required.
- iii. Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse and submit evidence of such notification to the FEMA; require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- iv. The approval of certificates of occupancy for all lands in the FW and the FF upon verification that the premises and structures thereon conform with all of the requirements of this Section.

(A) When there has been fill, excavation, erection or substantial improvement of a structure, or construction, enlargement or substantial improvement of a manufactured home park, the administrative official shall require the applicant to provide certification by a registered professional engineer or surveyor that the finished fill, excavation, building floor elevations, floodproofing measures, or other flood protection measures were accomplished in compliance with the provisions of this Section. Certification of the adequacy of the floodproofing of a non-residential use building may be provided by a registered architect in lieu of a professional engineer or surveyor.

(B) The certification provided by the professional engineer or architect shall include the elevation (in relation to mean sea level) of the

lowest floor (including basement) of all buildings that have not been floodproofed.

(C) Records of all certificates provided by professional engineers or architects in compliance with this Section shall be maintained by the Town.

v. The maintenance of records of all Special Review Use permits granted from the requirements of this Section, including justification for the granting of the Special Review Use permits.

vi. An annual inspection of all properties in the FW and the FF district to assure conformance to the provisions of this Section and to all permits issued there under.

~~vii. Submit, as required by federal regulations, an annual report to the FEMA on the Town's participation in the national flood insurance program.~~

~~viii.~~vii. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Subsection 2.7.C.9.

~~ix.~~viii. Review all ~~development permit~~floodplain development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Subsection 2.7.C.6 are met.

b. Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Subsection 2.7.C.3.b, the administrative official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source as criteria for new construction, substantial improvements or other development in zone A in order to administer Subsection 2.7.C.5.a.

c. Information to be Obtained and Maintained

i. The actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement, shall be obtained and recorded.

ii. For all new or substantially improved floodproofed structures, the following shall be done:

(A) Verify and record the actual elevation (in relation to mean sea level to which the structure has been floodproofed); and

(B) Maintain the floodproofing certifications required in Subsection 2.7.C.5.a.ix(C).

iii. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

- iv. Maintain for public inspection all records pertaining to the provisions of this Section.

d. **Approval or Denial of a ~~Development Permit~~Floodplain Development Permit**
Approval or denial of a ~~development permit~~floodplain development permit by the Public Works Director shall be based on all of the provisions of this Section and the following relevant factors:

- i. The danger to life and property due to flooding or erosion damage;
- ii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- iii. The danger that materials may be swept onto other lands to the injury of others;
- iv. The compatibility of the proposed use with existing and anticipated development;
- v. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- vi. The costs of providing governmental, public or quasi-public services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- vii. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- viii. The necessity to the facility of a waterfront location, where applicable;
- ix. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
- x. The relationship of the proposed use to the Town's Comprehensive Master Plan for that area.

9. Appeals

a. **Authority**

The Board of Adjustment shall hear and decide all appeals when it is alleged that there is an error in any requirement, decision or determination made by the administrative official in the enforcement or administration of this Section.

b. **Filing Appeal**

Any person alleging such an error shall file his appeal to the Board of Adjustment, in writing, within 30 days from the determination of the administrative official, in which he shall set forth in detail a basis for such alleged error.

c. **Considerations in Granting Appeal**

In passing upon any appeal, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other Subsections of this Section, and:

- i. The danger that materials may be swept onto other lands to the injury of others;
 - ii. The danger of life and property due to flooding or erosion damage;
 - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. The importance of the services provided by the proposed facility to the Town;
 - v. The necessity to the facility of a waterfront location, where applicable;
 - vi. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii. The compatibility of the proposed use with existing and anticipated development;
 - viii. The relationship of the proposed use to the Town's Comprehensive Master Plan and floodplain management program for that area;
 - ix. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - xi. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- d. **Conditions of Appeal**
The Board of Adjustment may attach any conditions to authorizing construction within the 100-year floodplain that it deems necessary to further the purposes of this Section.
- e. **Records Kept**
The Board of Adjustment shall maintain through its administrative officer the records of all appeal and application actions and report any decisions to the FEMA upon request.
- f. **Further Appeals to District Court**
Those aggrieved by the decision of the Board of Adjustment may appeal such decisions to the appropriate County District Court, as provided in Colorado Revised Statutes Section 31-23-307.

10. Penalties

a. **Fine**

Any person found guilty of violating any provision of this Section shall be punishable as provided in the Municipal Code. Each day that such violation continues to exist shall be considered a separate offense.

b. **Additional Actions**

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, or used, or any land is or is proposed to be used in violation of this Section, the Town, in addition to other remedies provided by law, may institute an appropriate action to prevent, enjoin, abate, or remove the violation, to

prevent the occupancy of the building, structure, or land, or to prevent any illegal act or use in or on such premises.

11. Variance Procedures

- a. The Board of Adjustment as established by the Town shall hear and render judgment on requests for variances from the requirements of this Section.
- b. The Board of Adjustment shall hear and render judgment on a variance request only when it is alleged there is an error in any requirement, decision, or determination made by the administrative official in the enforcement or administration of this Section.
- c. Any person or persons aggrieved by the decision of the Board of Adjustment may appeal such decision as set forth in Subsection 2.7.C.9.
- d. The administrative official shall maintain a record of all actions involving a variance request and shall report variance requests to the FEMA upon request.
- e. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section.
- f. Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Subsection 2.7.C.8.d have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance request increases.
- g. Upon consideration of the factors noted above and the intent of this Section, the Board of Adjustment may attach such conditions to the granting of a variance request as it deems necessary to further the purpose and objectives of this Section.
- h. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- i. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the appeal is the minimum necessary to preserve the historic character and design of the structure.
- j. Prerequisites for granting a variance request:
 - i. Variances shall only be issued upon a determination that the variance request is the minimum necessary, considering the flood hazard, to afford relief.
 - ii. Variances shall only be issued upon:
 - (A) Showing a good and sufficient cause;
 - (B) A determination that failure to grant the appeal would result in exceptional hardship to the applicant; and
 - (C) A determination that the granting of a variance request will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or

victimization of the public, or conflict with existing local laws or ordinances.

- iii. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- k. Variances may be issued by the Board of Adjustment for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - i. The criteria outlined in Subsections 2.7.C.11.a through j, are met, and
 - ii. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

B. Planned Unit Development Overlay District (PUD)

1. Purpose

The PUD Overlay District is generally used when there is special public interest that doesn't coincide with the traditional zoning in a geographic area. The PUD Overlay District may only be used when an application is not able to meet the requirements of a standard zone classification. The PUD is a mapped area with restrictions in addition to, or less than, those in the underlying traditional zone. Rather than attempt to create a new zoning category, an overlay zone is superimposed over the traditional zone and establishes additional regulations, or reduces or extends the existing uses. The underlying zoning identifies permitted land uses, the overlay zone may provide design restrictions, additional setbacks, or other exceptions to the base district regulations.

General purposes of a PUD are as follows:

- a. Establish a procedure for the development of larger parcels of land in order to reduce or eliminate the rigidity, delays, and inequities that otherwise would result from application of zoning standards and procedures designed primarily for small parcels.
- b. Ensure orderly and thorough planning and review procedures that will result in high-quality urban design.
- c. Encourage variety and avoid monotony in large developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenity.
- d. Provide a mechanism for considering mixes of uses that can be made compatible by application of careful and imaginative treatment of interrelationships of activity.
- e. Encourage allocation and improvement of common open space in residential areas, and provide for maintenance of the open space at the expense of those who will directly benefit from it.
- f. To convert land so poorly developed as to be a public liability.
- g. Encourage the preservation of serviceable existing structures of historic value or artistic merit by providing the opportunity to use them imaginatively for purposes other than that for which they were originally intended.

- h. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.
- i. To simplify processing of development proposals for developers and the Planning Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.

2. District-Specific Standards

In any PUD development, although it is permissible to depart from literal conformance with the individual-lot dimension and area regulations, there shall be no variation of:

- a. The underlying zone districts maximum density requirements;
- b. Height requirements, except in the RC district;
- c. Parking requirements;
- d. Loading and unloading area requirements;
- e. Public street and alley standards;
- f. Exterior lighting standards;
- g. Operational standards;
- h. Parks, Open Space and trails dedication requirements;
- i. Natural and Scenic Resource Protection requirements;
- j. Abandoned mine requirements;
- k. Oil and gas wells and production facility requirements;
- l. Floodplain protection; and
- m. Stormwater requirements.

The Planning Commission shall attach reasonable standards to insure that there shall not be a departure from the intent of this UDC. The PUD development shall conform to such standards. Because a PUD development is inherently more complex than individual-lot development and because each such project must be tailored to the topography and neighboring uses, the standards for such projects cannot be inflexible.

- a. Development along the perimeter of the PUD shall adhere to all required setbacks of the underlying zoning.
- b. Access points to all arterial streets shall be located no more frequently than once every 1/8 to a quarter of a mile. The Planning Commission may approve the location of temporary access points.
- c. Wherever there is an abrupt change in uses – i.e., residential to commercial – a buffer area of open space, protective planting, or other approved screening, or combination thereof shall be placed between them which will protect each use from the undesirable effects of the other.

The review procedures contained in Section 7.6, shall apply to all development in a PUD Overlay District.